SENATE—*Wednesday, May 27, 1987*

The Senate met at 11 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"I will lift up mine eyes unto the hills, from whence cometh my help.

"My help *cometh* from the Lord, which made heaven and earth."

"Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou *art* with me."

Eternal God, merciful Father, seven simple words—behind which a fresh wave of grief assails wives, fathers, mothers, brothers and sisters, and friends. "Thirty-six more of the *Stark* come home." How heavily those words impact the hearts of loved ones.

We pray, Father, for those for whom unrelieved grief is awakened again. God of all comfort, give those families Your gracious peace, love, and compassion.

In the name of the Lord who never leaves us nor forsakes us. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 27, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

BICENTENNIAL MINUTE

MAY 27, 1919: FIRST OPEN PARTY CONFERENCE

Mr. DOLE. Mr. President, on May 27, 1919, 68 years ago today, Senate Republicans held the first open party conference in the history of this institution. Republican Members who gathered for that meeting also reaffirmed their commitment to the seniority system for choosing committee chairmen.

For most of the half-century after the Civil War, Republicans had held both the White House and majorities in Congress. During the "progressive era," at the beginning of this century, the party split between its progressive and conservative wings. The Presidential race for Theodore Roosevelt against William Howard Taft in 1912 not only enabled Woodrow Wilson to win the Presidency, but gave both Houses of Congress to the Democrats. In 1918, Republicans reunited and won back their congressional majorities.

But when the Republican conference drew up its committee assignments, progressives objected to Pennsylvania Senator Boies Penrose becoming chairman of the Senate Finance Committee. For a while, a small band of progressive Republicans threatened to call for a separate vote for each committee chairman, and to throw their support behind the ranking Democrat on the Finance Committee. To forestall such a possibility, Republican majority leader Henry Cabot Lodge, Sr., called an "open party conference" to give the progressives the chance to voice their opposition to Penrose; and to cast their votes against him, on the condition that all sides would abide by the conference decision. That is what occurred on this date, when the Republican conference voted 34 to 8 to seat Senator Penrose as chair of the Finance Committee. One Republican Senator could not resist the opportunity to quote the incumbent Democratic President Woodrow Wilson's "14 points," and to describe the Republican conference as "open covenants, openly arrived at."

MEMORIAL DAY ADDRESS BY SECRETARY OF THE NAVY JAMES WEBB

Mr. DOLE. Mr. President, on Memorial Day, Secretary of the Navy James Webb delivered an address at Arlington National Cemetery. It was an excellent statement by this young Secretary of the Navy, 44 years of age, who is an outstanding young man with combat experience. He is an American hero. I was privileged to be there, and I think my colleagues will appreciate reading his remarks.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY HONORABLE JAMES H. WEBB, JR., SECRETARY OF THE NAVY

Ladies and gentlemen, it is an honor to be among you on this very special day of remembrance. It is a tribute to all who have ever served our country that so many of you chose to gather in this historic place and collectively honor our fallen comrades from so many battlefields in too many wars.

The ceremony at the Tomb of the Unknown Soldier is, I think, the most touching and appropriate way of remembering sacrifice that one can imagine. By honoring these nameless Americans whose branch of military service we do not know, whose unit we cannot discern, whose rank and whose manner of death will always remain a mystery, we honor the greatness of the sacrifice of all Americans who have faced terror and died young so that others might live in peace.

Listening to my friend Pete Joannides read General John Logan's General Order which created Decoration Day filled me with mixed emotions, which as a Son of the Confederacy, it always has, but it also gave me an appreciation for the paradox that so often attends the aftermath of war. General Logan had in mind a day that would honor the soldiers of the Union after the War Between the States. We continue to carry out his custom, properly broadened, on the family grounds of the most revered soldier of the Confederacy.

And how ironic it must have seemed in 1950, when in May the Congress passed a law asking the President to proclaim Memorial Day a day of prayer for permanent peace, and then scarcely a month later our soldiers were dying on the battlefields of Korea. And that irony continues. Every year on this day, we pray for permanent peace, and yet we know, even as we pray, that the time given us on this earth has been, at its most optimistic, one of volatility and frequent violence. The events of only a week ago tragically remind us of this, but so do many, many others. While the major powers have avoided direct confrontation

throughout my lifetime, more than 100,000 Americans have given their lives in other places, the blood of our young citizens continuing to remind us that we cannot avoid the world's problems and at the same time hope that they will go away.

And so on this day when we remember the valiant dead from the battlefields that scar our history, we also should contemplate what it has been, exactly, that Americans have fought and died for over the course of our existence. In this context, it is hardly a day for remembering old enemies. We fought the British, now a major ally. We fought the Mexicans, now our friends. We fought each other, and, in fact, the greatest takers of American lives in all our wars have been other Americans. We fought the Spanish, now our allies, and the Germans and Italians and Japanese, now close friends whom we help defend. We fought the North Koreans and the Chinese to a stalemate that our country has wrongly forgotten, and the North Vietnamese in a war where our soldiers were too frequently criticized by their own countrymen for their efforts.

I would suggest that there is a consistency, even a rightness, in the wake of all this paradoxical tragedy. These fallen men and their compatriots fought for something, rather than simply fighting against an ephemeral foe. They fought, rather, for the values that have made our own country preeminent in the world. We are not a country that seeks war, and we are not a country that seeks enemies. We are a society founded on the greatness of individual effort, whose power has been used so that other powers might flourish: the power of the unfettered mind. The power of a multicultural society in free debate. The creative power of the dynamic entrepreneur. The inner power of spiritual belief.

And in a society which treasures the individual, there can be no greater tragedy than the loss of individual life. The markers which surround us on these rolling hillsides remind us that weakness, miscalculation, failed diplomacy, and naive isolationism can ask a costly price.

This is not a new dilemma. Alfred Thayer Mahan, the principal architect of American naval strategy, used to worry about our democratic system's lack of foresight, and unwillingness to pay the price of the very naval power that would guarantee its international stability. He once wrote that "It behooves countries whose genius is essentially not military, whose people, like all free people, object to paying for large military establishments, to see to it that they are at least strong enough to gain the time necessary to turn the spirit and capacity of their subjects into the new activities which war calls for."

And I would say to you that, unlike in Mahon's day, time is what we no longer have. Today, in this era of what we have come to call a "violent peace," there are no other countries between ourselves and our obligations. The lesson that should be apparent from the very magnitude of the names surrounding us, the names that speak to us from the silence of their graves, is that it is better to spend dollars for readiness than it is to spend lives because unpreparedness invites the hostile acts of an aggressor.

There is another consistency that speaks to us from the memory of wars fought and forgotten. The one constant in all of this is not the constancy of a particular enemy, but the greatness of the unique set of values that formed our nation. And the one consistency among our generations has been the willingness of our best citizens to place their lives at risk in order to further the greater good of our way of life.

Too often, I fear, we regard this willingness as phenomenon of wartime. In the aftermath of the tragedy aboard U.S.S. *Stark* last week, it is important for all of us to remember that those serving today exhibit the same dedication, sacrifice, and love of country as has been found in any wartime period. Their lives are at risk every day, on the cutting edge of Americans security needs around the world. While their peers languish in college or pursue carefree careers, these young, dedicated soldiers, sailors, airmen and marines have become the quiet heroes of their generation.

And, unfortunately, they, too, know the bitter pain of losing comrades and loved ones. Last Friday, I was with the President in Mayport, Florida, at the memorial service for the crewmen of the *Stark*. I watched families awash in grief; parents clutching pictures of departed sons, children in uncomprehending shock, wives, brothers and sisters crying uncontrollably. I was reminded of a frequent epitaph on the tombstones of Confederate soldiers: "How many dreams died here?"

It is a question parents, wives and children have asked too often in the course of our history, a question that creates a double duty in those of us who care enough to remember such sacrifices today.

The first duty is to remember. William Gladstone, former British Prime Minister, once said, "Show me the manner in which a nation or a community cares for its dead, and I will measure exactly the sympathies of its people, their respect for the laws of the land, and their loyalty to high ideals." I would say that this is especially true for soldiers who perished because of their own loyalty to law and ideals. Those of us who have seen war's ugliness know that a battlefield does not honor its dead. It devours them without ceremony. Nor does a battlefield honor heroes. It mocks their sacrifice with continuing misery and terror. It is for those who survived to remember sacrifice, and to honor our heroes.

The second duty is to keep this country strong. Wars are not prevented, nor are dreams preserved, because one side is more logical, more illuminated, or more kind. This country is great because it has been strong. It has been strong because its individual citizens have believed in its uniqueness so strongly that they have been willing to provide for the common defense and, if necessary, to take up arms on its behalf. So has it always been, and so must it ever be.

So, as we remember those who have fallen, let us also remember that peace is bought, not with a wish, but at the price of dedicated service. And let us, on this special day, be thankful for the dedicated service of those who are at this moment, quietly and without fanfare, defending our interests throughout the world.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I reserve the reminder of my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business, for not to extend beyond 12 o'clock noon, with Senators permitted to speak therein for not to exceed 5 minutes each.

FIFTEEN-MINUTE RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, at 11:08 a.m. the Senate recessed until 11:23 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

WHY SDI DEPLOYMENT WILL KILL NUCLEAR ARMS CONTROL

Mr. PROXMIRE. Mr. President, does the United States proposition that both sides agree to reduce offensive missiles while the United States continues to progress with a star wars defense offer a realistic basis of agreement with the Soviets? Answer: The Russians will almost certainly never accept it. Would we accept it if we were in their position? No way!

Gorbachev made an astonishingly bold proposal when he said he would agree to negotiate a 50-percent reduction in offensive nuclear missiles on both sides. Why did he then toss a monkey wrench into the negotiations? Gorbachev did exactly that when he stubbornly insisted that his offer was conditioned on an agreement by the United States to abide indefinitely and strictly by the Antiballistic Missile Treaty. U.S. compliance with that treaty—signed by the President in 1972 and ratified by the U.S. Senate by an 89-to-2 vote—would mean that this country would not push star wars beyond laboratory research. The treaty's terms give the United States the right to renounce the treaty on 6 months notice. Gorbachev insisted that the United States agree to abide by this treaty indefinitely.

Gorbachev's strong implication is that if the star wars program should progress, in his judgment, it could possibly provide some protection for U.S. command centers, missile sites, bomber bases and submarine pens—if not for American cities. Because United States technology has been consistently ahead of the Soviets, this advantage could mean that for some years the United States deterrent would have a far more credible survivability than the Soviet deterrent. Gorbachev could be right. He would be decisively and visibly right if both sides sharply reduced their offensive capability. And it would be even more evident as negotiations subsequently progressed and the reduction of U.S.S.R. offensive missiles declined to 50 percent of its present strength and then further down to 25 and 10 percent. The Soviets know they cannot possibly match the United States star wars ca-

pability either in technology or in available economic resources. So the Soviet ABM defense is sure to be weaker and more slowly deployed.

The Soviets may understand that the possibility that SDI could work is remote and the chances it would work perfectly are nonexistent. But the one development that would be most critical for at least some degree of success for star wars would be a reduction of Soviet strategic warheads. The bigger the Soviet reduction the more likely SDI could provide a significant degree of protection.

On the other hand, a Soviet star wars even if it precisely duplicated the American SDI could not be nearly as effective against the American deterrent. Here's why: Less than 25 percent of the American nuclear deterrent is deployed in stationary land-based launchers. More than 75 percent of the Soviet nuclear deterrent is deployed in this mode. And what might star wars—as designed and planned by the DOD stop? It might stop land-based stationary ICBM's. The present SDI program would orbit battle stations so that they could catch these Soviet ICBM's in their initial boost phase—as they slowly rise from their launch pad and before they greatly accelerate in midcourse. Could the U.S.S.R. use this against the United States deterrent, 50 percent of which is deployed in submarines and 25 percent in bombers? Obviously SDI in the hands of the Soviet Union would be helpless to meet a nuclear strike from the American submarines and bombers that carry 75 percent of the American deterrent. Here's why: The submarine launched ballistic missile has a far shorter flight path, uses a depressed trajectory and is fired from a mobile base. The bomber launched missiles emerges from an even more rapidly moving launcher.

So what would you do if you were Gorbachev? Would you agree to negotiate to start the process of reducing the offensive missiles on both sides when you know that the ultimate effect of this process could be to provide some protection for America's deterrent against a Soviet or counterstrike but give no significant protection for the U.S.S.R. even if they succeed in precisely duplicating the American SDI? What do you think?

CITIBANK'S DRAMATIC HIT AND TRUTH TELLING BY ALL BANKS

Mr. PROXMIRE. Mr. President, the biggest bank in the country has suddenly revealed the most convincing way to tell the truth about loans to Third World countries. Citibank has admitted many of its third country loans are not sound. It has conceded that the bank will suffer an inevitable loss on many of these loans. It has done so, not in a statement. It has been even more convincing. It has exposed the extent of the deterioration of these loans by taking a $3 billion hit in reporting the results of its operation for the latest quarter. That means CitiBank will not report a $500 million profit for the quarter. Instead it will report a stunning $2½ billion loss! In view of the sharp focus by the investment community on quarterly profits that was quite a decision by Citicorp. A breathtaking decision. But sometimes it pays to tell the truth. And this time it sure did. The stock of Citicorp did not fall with the bad news of a multibillion-dollar quarterly loss. It rose. John Reed the chairman of the Citicorp's board that unanimously agreed to take the hit is being hailed as a hero. Citicorp was strengthened. More important, other banks will more or less follow suit. It is not expected that most banks will go as far as Citicorp. Certainly not in one quarter! Over time, they all could. They should. Regardless of when or how they increase their reserves as a cost of doing business, when a bank does this, it will mean a reduction in their reported profits. If they do it—as Citicorp has done it—in one quarter, the reduction will be fully understood, by the public. The market will discount it. As in the case of Citicorp the bank's stock may even rise in price. If the bank's resources are less robust than Citicorp, it may have to take the hit over a period of years. In that case the profit reduction reported in each quarter will be much less, but there will be little or no discounting by the market.

While the Citicorp action does result in more honest financial reporting, it will not require the bank to increase its real capital. Even though the bank reduced its equity capital by $2.5 billion, it will not have to increase its regulatory capital by 1 penny! Why? Because the bank regulators allow the banks to include loan loss reserve in their definition of regulatory capital. As Martin Mayer, a distinguished author of banking books observed, if any other business counted a loss reserve as an item of capital, its accountants would be sent to jail.

Bank regulators measure a bank's capital adequacy according to its "primary" capital which consists of equity capital plus loan loss reserves. Before Citicorp increased its loan loss reserve, its ratio of primary capital to total assets was about 7 percent. After the loan loss reserve increase, it had the same 7 percent primary capital ratio. All that really happened was that its primary capital was shifted from one pocket to another. From a regulatory point of view, Citicorp is no stronger today than it was last week.

If banks with large LDC loans are to become truly stronger, they need to increase their regulatory capital ratios to provide a cushion against the possibility of a major default. That is why the Congress needs to adopt something like the Gramm-Proxmire proposal for increasing the capital position of banks with large amounts of troubled LDC loans.

Regulators now require a minimum primary capital ratio of 5.5 percent. Most money center banks exceed that ratio, but many would fall below it if loan reserves were not counted. Our money center banks must have real capital, not paper capital, if they are to insulate themselves from the potential shocks of an international debt crisis.

PAYING FOR THE SUPERCONDUCTING SUPER COLLIDER

Mr. PROXMIRE. Mr. President, whenever the Federal Government makes a decision to pursue, with Federal dollars, a major new scientific initiative, there is intense competition among the States. Construction of the super collider certainly is a case in point. With an estimated cost of $3.2 billion in fiscal year 1988 dollars and an additional $1.2 billion for research, development, detectors, computers, and preoperating activities, this is an enormous economic plum for any State or region.

Under these circumstances, it is important that any siting decision be made with regard to the best interests of the entire Nation. That means the interests of all the taxpayers of the Nation and not just those of a specific location.

The first step in this decision is to insure that any given location is consistent with the scientific requirements of the project. An open competition is essential. And part of the open competition is the economic cost sharing offered by local communities.

Why should cost sharing be an important consideration? Because the taxpayers from all other areas of the country should not be asked to subsidize a Federal project if local economic interests will support part of the costs. That is why I would have voted against the Domenici amendment to the supplemental appropriations bill had it come to a recorded vote. Local cost sharing is important—to all the taxpayers of the Nation since it lowers the subsidized Federal cost.

HOW SHOULD CONGRESS AWARD GRANTS FOR SCIENTIFIC FACILITIES?

Mr. PROXMIRE. Mr. President, the most highly respected universities in this country have spoken out loud and clear in favor of awarding congressional grants for scientific facilities strictly on the basis of merit, determined by competitive review. How have they spoken out? Not in empty rhetoric.

They have spoken out with what might turn out to be painful and risky action. Forty-three of the fifty-five universities belonging to the Association of American Universities have agreed that they will not accept congressional grants awarded without competitive review.

Now, Mr. President, some Senators and Congressmen will resent this. Indeed, the vice president of one of the distingusihed universities objected to this ultimatum for merit selection on the grounds that it would constitute an affront to the Congress. Will it? Sure it will and on this score some Members of both this body and the House deserve the affront. But is the rejection of noncompetitive congressional grants right? It sure is. Is it in the national interest? You betcha. Will it determine the award over the years of billions of dollars for scientific facilities on the basis of quality and value per dollar? Of course, it will. Have some of these awards been made over the years based on strictly political considerations? That's precisely the problem.

As a member of the Senate Appropriations Committee for 25 years, I have seen these congressional awards grow enormously. These multimillion dollar grants can be immensely valuable to the universities that receive them. They are also terrific trophies for a Senator or Congressman to feature in his reelection campaign. Time and time again in the year or the year before a Senator is up for reelection he will go to bat for a scientific facility in his State. He will seek to skip the competitive review based on merit. Time and time again he will win. He will persuade the committee to finesse the review. He will persuade it to give good old Senator Joe or Jim or Jack the equivalent of a fat political contribution. So the Congress will direct that the multimillion dollar facility by pass merit review. They will direct that it be located in Senator J's State.

Now, Mr. President when we have this kind of a gravy train running for us as Senators, only a spoilsport would want to derail it. Senators can and do dream up all kinds of alibis to keep that generous gravy train on the track. Consider some of those alibis. First, they claim that competitive review keeps too much Federal money in the hands of a few prestigious institutions like Harvard and Stanford. Second, they claim it overlooks the contributions to economic development that the awarding of a scientific facility can bring to a university in a community suffering heavy unemployment. Third, they argue that the board that reviews the quality and capability of competing universities is as biased as Members of the Congress. They say it only differs in that Members of the Congress are elected by the American people. The board is not.

How about these objections? Do they have merit? The answer is an emphatic and loud: "No." If the board that reviews universities for merit selection is biased or incompetent, whose fault is that? Answer: That is the fault of the Congress. Just ask: Who determines the legislative basis on which these boards are selected? Who does? The Congress does. That's who. We in the Congress can and should provide for balance on the board. We can require relevant competence on the board. It is up to us to determine whether or not economic development should be a selection criteria.

The basic fact is that these decisions on allocating Federal grants for scientific facilities among our universities are critical for the scientific future of our country. We know that none of us in the Congress have the scientific expertise to make these decisions wisely. An expert board can do the job we cannot do. So, yes, we can and should strengthen legislation to be sure that the administration follows guidelines that assure the appointment of merit selection panels that have the balance and the competence to make the selections based on merit and the overall scientific interests of our country. We can decide whether or not economic development should be a criteria. We can spell out in legislation the weight if any for economic development in these decisions. But it should be absolutely clear that a scientifically competent board, not a scientifically incompetent Congress, should make the final decisions on where the grants go. It should also be crystal clear that the reelection of our dear colleague, good old Senator Joe or Jim or Jack, should not be—as it's becoming—the prime criterion. It should be no criterion at all.

Mr. President, I ask unanimous consent that an article from the New York Times of May 22, 1987, by Leslie Maitland Werner, headlined "40 Universities Agree To Reject Disputed Grants" be printed in the RECORD.

I also ask unanimous consent that a list of the 55 universities that are members of the Association of American Universities and who voted for or against rejecting these disputed grants be printed in the RECORD.

I also ask unanimous consent that a copy of the resolution adopted by the Association of American Universities on funding for scientific research facilities be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

40 UNIVERSITIES AGREE TO REJECT DISPUTED GRANTS

(By Leslie Maitland Werner)

WASHINGTON, May 21.—More than 40 prominent research universities have agreed not to accept direct Congressional grants for scientists facilities if the grants involve projects whose scientific merits have not been evaluated through competitive review.

Because such grants bypass established scientific review procedures and are often awarded as a result of politicking by lobbyists hired by universities, they have been attacked as a potential danger to American research.

The universities voting against the grants make up most of the memberhip of the Association of American Universities, which was polled by mail over the past few weeks on the question of a moratorium on accepting such grants.

54 U.S. AND 2 CANADIAN SCHOOLS

The vote, by secret ballot, approved a resolution that was drafted in response to a report last March by a special panel representing six higher education associations, including the A.A.U. The A.A.U.'s membership of 54 American and 2 Canadian universities includes many of the nation's most prestigious research universities, including Harvard, Yale, the Massachusetts Institute of Technology, and Columbia.

Robert M. Rosenzweig, president of the A.A.U., declined to identify which members had voted in favor of the moratorium. But he said that at least one of the universities that agreed not to accept such special grants from Congress in the future had previously been awarded and accepted them.

A GROWING RELIANCE

The issue addressed by the report centered on universities' growing reliance on grants from Congress, earmarked for special purposes, as the only significant source of Federal funds for building or renovating research facilities. The report warned that university-based research would face "serious and lasting damage" if Congress continued the practice of awarding universities such earmarked grants.

On the other hand, universities that have favored such grants maintain that they are merely righting an imbalance that has kept Federal money in the hands of prestigious schools in the Northeast and California.

They contend that in bypassing competitive scientific review procedures, Congress is rightly taking into account other considerations, such as economic development.

The Reagan Administration and numerous scientific agencies oppose earmarked grants, but opinion in Congress is divided. Congressional awards grew to $137 million in 1985 from $3 million in 1982, putting increased pressure on members of Congress to fight for special funds for universities in their districts.

PRESSURE ON CONGRESS URGED

The Association of American Universities was the first of the six academic organizations sponsoring the report on earmarked grants to act on it. Among its 54 American members, the vote was 43 universities in favor of the moratorium, 10 opposing and 2 abstaining. The president of the University of California system accounted for the extra vote.

Mr. Rosenzweig, the association president, has told its members he does not think sanctions should be imposed on those who do not abide by the moratorium. He said the A.A.U. would urge the other organizations to join the moratorium and to push for Congressional passage of a program for financing the construction and renovation of scientific facilities.

In the interim, Mr. Rosenzweig added, the association will fight any effort to extend earmarking to cover funds for scientific

projects but will not engage in "vain efforts" to oppose specific earmarked grants for research buildings, once they come up in Congress.

A DEFENSE BY COLUMBIA

Columbia University, which voted against the moratorium, regarded it as a potential affront to Congress, according to Gregory Fusco, vice president for governmental relations.

"Our concern was that the resolution as crafted would be interpreted in Congress as not giving sufficient recognition to the role of Congress in determining the uses of Federal funds," Mr. Fusco said. "We think Congress's consideration of economic development in addition to scientific merit is a valid one. It's valuable and appropriate."

But he added that Columbia agreed with that portion of the A.A.U. resolution that called for seeking for creation of new Federal programs to help support university research facilities.

"We do need a big facilities program on the Federal level," he said. "Government should not pay for every facility in the country, but it should take a bigger responsibility than it has been. That's the main thing, and within the A.A.U. there's no dispute on that."

THE MEMBERS OF THE AAV

Univ. of Arizona, Brandeis U., California Inst. of Tech., Univ. of Cal.—System, Univ. of Calif.—Berkeley, Univ. of Cal.—Los Angeles, Univ. of Calif.—San Diego, Carnegie-Mellon U., Case-Western Reserve U., Catholic Univ., Univ. of Chicago, Clark U., U. of Colorado, Columbia U., Cornell U., Duke U., U. of Florida, Harvard U., Univ. of Illinois, Univ. of Indiana, Univ. of Iowa, Iowa State U., Johns Hopkins U., Univ. of Kansas, Univ. of Maryland, Massachusetts Inst. of Tech., Univ. of Michigan, Michigan State U. Univ. of Minnesota, Univ. of Missouri, Univ. of Nebraska, New York U., Univ. of North Carolina, Northwestern U., Ohio State U., Univ. of Oregon, Pennsylvania State U., Univ. of Pennsylvania, Univ. of Pittsburgh, Princeton U., Purdue U., Rice U., Rochester U., Univ. of Southern California, Stanford U., Syracuse U., U. of Texas—Austin, Tulane U., Vanderbilt U., Univ. of Virginia, Univ. of Washington, Washington U., Univ. of Wisconsin—System, Yale U.

AAU RESOLUTION ON FUNDING FOR SCIENTIFIC RESEARCH ACTIVITIES

We have received the Langenberg Committee report and intend to discuss it further among ourselves and with other associations. While we have some concern with its first recommendation, we support its call for an immediate and sustained effort to bring the higher education community, the Congress, and the federal agencies into discussion to resolve the issues surrounding the federal funding of scientific research facilities. We intend to engage fully in those discussions in the hope that common ground can be found and the processes that do not best serve the long-term quality and capacity of U.S. science can be put behind us. In the meantime, however, we:

(1) Reaffirm our support for the following propositions:

(a) Decisions about funding scientific research projects should be made on the best available judgments of the importance of their probable contributions to scientific theory and practice.

(b) The current practice of earmarking scientific facilities construction on the basis of criteria unrelated to their scientific merit is not in the interests of either the nation or its institutions of higher education.

(2) Instruct the president of the AAU to rely on these propositions as the basis of his representations to the Congress on this policy issue.

(3) Agree to observe a moratorium on earmarked funding for scientific facilities while seeking, in cooperation with other higher education associations and the Congress, the creation of federal programs to assist the nation's colleges and universities in meeting their facilities needs for research.

Mr. SANFORD. Mr. President, I thank my colleague, the Senator from Wisconsin, for pointing out the action taken by a number of universities to maintain the integrity of scientific grants. I am pleased that my university, Duke University, continues to be a part of that body of universities that feel that the competitiveness of this country is going to be determined by the amount of research and the kind of research that is done. I think this is a very significant comment at a time when we are so concerned with competitiveness.

Mr. PROXMIRE. Mr. President, will my good friend yield briefly?

Mr. SANFORD. Yes.

Mr. PROXMIRE. I would just like to say that I neglected to make the most important point of all. The University of Wisconsin was one of those universities, also. The University of Wisconsin, of course, voted in favor of rejecting any grant which was not based on competition.

TECHNOLOGY: A KEY TO COMPETITIVENESS

Mr. SANFORD, Mr. President, to stay competitive in the world market, the United States must stay on the cutting edge of new technologies. We must recognize that what we call high technology is important to more than just the semiconductor industry. Advanced technology rules growth in all our basic manufacturing industries. From textiles to autos, industries must employ up-to-date computer technology and robotics in order to keep up in a competitive world market.

In testimony at a recent Senate Budget Committee field hearing, Donald S. Beilman, president of the North Carolina Microelectronics Center, outlined the steps the United States must take to keep our high technology industries competitive. He focused on several factors: Education, research and development, Federal and State legislation, effective allocation of resources, and leadership. Of special interest to my colleagues will be Mr. Beilman's specific recommendations for Federal action to promote industrial competitiveness, I ask unanimous consent that Mr. Beilman's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF DONALD S. BEILMAN, PRESIDENT, MICROELECTRONICS CENTER OF NORTH CAROLINA

I appreciate the opportunity to address this Committee on the important issue of the international competitiveness of United States industry. This issue is receiving considerable attention with the continuing erosion of our foreign trade position which last year soared to $140.6 billion, an all time high, and which was 19.5 percent above the previous high of the year before.

Industrial competitiveness is also receiving considerable attention at the federal and state levels of government because it is important to the long-term health of our economy at the regional and national levels. Many studies and recommendations have already been made with respect to government and private action for improving our international competitiveness position. The President's Commission on Industrial Competitiveness chaired by John A. Young is just one of the groups that has presented recommendations that address this critical issue.

In my testimony today, I will not repeat a lot of statistics or reference former studies, but will concentrate on the basic principles that are affecting the U.S. international competitiveness position. The observations and recommendations I make will not provide a simple answer to a very complex situation, but I hope they will provide the basis for reversing a situation that our universities, government and industry cannot tolerate for the future. The views I will express today are my own and reflect my experience as a business executive for thirty years and as president of the Microelectronics Center of North Carolina.

INDUSTRY SITUATION

The industry sector which I will concentrate on today is what is referred to as high technology. This includes such industries as semiconductors, telecommunications, materials, biotechnology and robotics. The U.S. high technology industry, up until recently, experienced a very favorable position internationally. High technology in the past few years, however, has joined core industries in experiencing trade deficits in the global economy.

In 1986, for example, the United States experienced a $13.1 billion trade deficit in electronics worldwide and an even more severe deficit with Japan, $20.5 billion. This is particularly of concern since high technology manufacturing, such as, electronics, is a crucial factor in maintaining a balanced economy in the United States between service and manufacturing.

There are several factors which contribute to the international competitiveness of high technology industry. These factors are education; university, government, and industry research and development; federal and state legislation; effective allocation of resources; and leadership.

While all of these factors are important to competitiveness in all industries, my comments today will focus on their impact on high technology.

High technology is particularly important for world leadership in the global economy because it provides growth to manufacturing industries, such as, electronics and materials. In addition, high technology industries, such as, materials and electronics, provide the basis for future competitiveness and leadership in many manufacturing core industries.

Modern electronics, for example, is a major high technology industry that has experienced tremendous growth worldwide. The electronics industry has surpassed $500 billion in annual production and could surpass $1 trillion by the year 2000, making it the largest industry other than agriculture. In addition, electronics provides important technology advances that increase productivity in all industries.

A manufacturing based economy is the key to maintaining a healthy economy and high standard of living. There is a strong interrelationship between high technology, electronics, and manufacturing because of the continuing necessity to increase productivity in manufacturing.

To support continuing improvements in productivity, the technology dynamics of industries such as electronics require access to substantial capital for productivity improvements and manufacturing competitiveness. Technology leadership and manufacturing capital are critical for competitiveness in a manufacturing based economy; in order to maintain technology leadership, the United States must find a way to maintain top quality education and better funded research and development.

RESEARCH AND DEVELOPMENT SITUATION

It is forecast that the United States will spend approximately $125 billion in 1987 on research and development. Of this total, approximately two-thirds will be spent on development and one-third on basic and applied research.

The federal government plays a major role in the research and development infrastructure of the United States. There are approximately 700 national laboratories with significant technical personnel resources that spend an estimated $18 billion annually. These laboratories are mission-oriented and concentrate on investigations related to such areas as defense, space and energy. The efforts of the national laboratories are heavily weighted to defense and contribute to the basic science and research infrastructure but not to commercial technology.

The National Science Foundation (NSF) also plays an important role in supporting a strong university infrastructure. It has been suggested that the current NSF budget request of $1.7 billion be doubled to $3.4 billion in the next five years. While these investments are critical to the long-term science and research infrastructure, technology development is not NSF's role or mission.

The Department of Defense (DOD) receives the major portion of the Federal research and development budget—approximately $47 billion of the total $65 billion Federal budget for the current year. This effort is heavily concentrated on the development of military weapons and provides only limited short-term derivatives for commercial applications. DOD's efforts are not oriented to commercial technology.

Thus, while the Federal investment in research and development is substantial, its orientation is on defense and the development of the research and development infrastructure, and does not directly address industrial competitiveness.

State governments have a primary role in providing the university infrastructure for education and basic research. The development of this long-term infrastructure is critical but does not directly address the requirements for commercial technology. States, however, are developing a shorter-term interest in commercial technology through new partnerships with industry. States are an evolving force and a new partner with a vested interest in economic development and the maintenance of a healthy manufacturing economy.

Industry emphasis is on applied research and technology development. To maintain competition, industry emphasizes the processes and manufacturing technology required for adaptation to today's technology dynamics. Industry not only focuses on the short-term results required for positive financial performance, but also recognizes the necessity for long-term research investment essential for continuing success.

While substantial resources are now being directed to research and development, at least half of this $125 billion is not directly contributing to industrial competitiveness. We need dramatically to capitalize on existing investments in research and development and selectively to reallocate key resources to support commercial technology for increased competitiveness of U.S. industry.

UNIVERSITY/GOVERNMENT/INDUSTRY RESPONSIBILITIES

Universities, government (state and federal), and industry are mutually responsible contributors to research and development. In the aggregate, the United States outspends all other nations in research and development. The existing human and capital resources of these three sectors must provide the necessary base for U.S. leadership and international competitiveness.

Our universities are considered to be the leading education and basic research institutions in the world, educating both domestic and foreign scientists and engineers for support of the global economy. While this leading role provides key long-term education and basic research, universities must change more rapidly to meet the escalating educational requirements to support high technology industries. While universities are critical contributors to basic research, they are not a major source of commercial technology in support of international competitiveness.

Government has the primary responsibility for supporting the state and national infrastructure requirements for education and basic research as well as providing the economic environment for industrial competitiveness. In the research and development domain, government supports the research and development requirements for defense, space, health and other special national requirements. It has the primary responsibility for maintaining the necessary services and engineering infrastructure but is not a major source of technology that is commercially relevant. In the economic domain, government can provide the fiscal and legislative conditions conducive to capital formation and international competitiveness.

Industry has always had and should continue to have primary responsibility for commercial technology application and production. Short-term financial performance must continually be balanced against longer-term research and technology expenditures. The capital and human resources required to meet the dynamics of today's technology dictate the continuous training of technical personnel and the shared responsibility with government for capital formation. As the sector primarily responsible for international competitiveness and most familiar with commercial technology requirements, industry should be given a shared responsibility to determine the national research and technology agenda and should be directly involved with extracting commercially-relevant research and technology from non-industry efforts.

In short, industry must be effectively involved in the allocation of these national research and development resources if industry is to continue to provide leadership for commercial application of technology for industrial competitiveness.

NEW CREATIVE APPROACHES FOR RESEARCH AND TECHNOLOGY

With intensive support from industry and government, commercial research-coordinating organizations can be structured to coordinate unviversity and national laboratory resources. Such coordination is essential if we are to increase substantially the relevance of education and research within these key, high technology areas. The Semiconductor Research Corporation, or SRC, located here in Research Triangle Park, is one such research-coordinating organization concentrating on microelectronics. There are similar opportunities in telecommunications, materials, optics, textiles and other strategically important industries.

Another major new opportunity is the establishment of national-level commercial technology centers. Directed and managed by industry in key technology areas, these centers would work in conjunction with the research-coordinating organizations to accelerate substantially the transfer of non-industry research into commercial technology. Such centers would evaluate and develop the commercial technology potential of relevant research at our universities and national laboratories. These technology centers could also capitalize on evolving state participation and investments in selected key areas of industry technology.

These commercial technology centers could be jointly financed by sharing the cost among states, industry, and the Federal government where appropriate. the Federal share could be financed through reallocation of current resources from the Federal laboratories to facilitate their contributions to international competitiveness. Industry participation would assure commercial relevance and ownership by the primary sector responsible for competitiveness.

Funding of the centers could be an equal match of approximately $15 million per year or $45 million total per center. Eight to ten centers in key industry areas would provide $500 million of highly focused technology opportunities, leveraging the over $30 billion spent annually at our universities and national laboratories on research and development. An annual investment of approximately one half billion dollars to help correct a national problem which resulted in a $140 billion trade deficit last year would appear to make good economic sense.

Additionally, industry should be encouraged to pursue creative new joint initiatives for establishment of commercial manufacturing centers. These industry funded and managed programs could be established in key technology areas and would concentrate on manufacturing technology for international competitiveness. Funding by DOD would be appropriate to support related supplier industries that are crucial to national defense and security.

In summary, the Federal government and industry have an opportunity, through prudent reallocation of resources, to capitalize substantially on the enormous national research and development efforts to restore U.S. competitiveness in the global economy.

RECOMMENDATIONS FOR FEDERAL ACTION ON COMMERCIAL COMPETITIVENESS

The Federal government has the responsibility to help provide a total economic environment necessary to U.S. industry competitiveness. The following recommendations fall into three types of action: fiscal policy, legislation, and financial support.

In the area of fiscal policy:

(1) New financial incentives to recognize industry's increasingly important role in training and retraining technical personnel for high technology manufacturing.

(2) A permanent industry tax credit to encourage increased expenditures in external and internal research and development for manufacturing.

(3) Investment tax credits specifically for manufacturing equipment and facilities to encourage availability to capital for meeting requirements caused by technology dynamics.

(4) An aggressive long-term (5-years) capital gains credit to encourage investments in the long-term manufacturing industry.

(5) Encourage personal saving to create the increased capital required for industrial competitiveness.

(6) And, of course, the need to reduce dramatically the Federal deficit ($211 billion in 1986) to bolster general long-term economic growth.

In the area of legislation:

(1) Provide a competitive and equitable trade environment for U.S. manufactured products to help reduce deficit of $170 billion in manufactured products in 1986.

(2) Encourage cooperative industry efforts in manufacturing research and technology to balance aggressive international cooperative initiatives.

In the area of direct financial support:

(1) Support new state and industry technology centers with reallocated funds from national laboratories to increase commercial technology contributions from non-industry sources.

(2) Directly support related commercial and defense requirements through DOD to reinforce U.S. competitiveness in selected manufacturing equipment industries.

(3) Encourage long-term support of basic education and research infrastructure at our universities by doubling the NSF budget to $3.4 billion in the next five years.

CONCLUSION

There are no actions that ensure that U.S. competitiveness will immediately be revitalized. One thing is becoming more clear: with continuing erosion of high technology manufacturing as well as core industry manufacturing, significant changes by universities, government, and industry to solve the short- and long-term competitiveness problem will be required.

Universities must upgrade their educational program in the basic disciplines in order to prepare scientists and engineers to meet increasing demands in the U.S. manufacturing economy.

Government must reallocate research and development resources to increase the commercial value of current national research and development expenditures. Longer-term major reallocation of funds and technical personnel to commercial technology development is essential. In addition, governments in their enabling role for industry must take action to support specific legislation and fiscal policies that provide a competitive environment for manufacturing.

Industry must be actively involved in planning national research and development programs as well as in the management of the technology transfer initiatives undertaken by universities and government.

Ultimately, industry individually and collectively is responsible for providing the primary leadership for industrial competitiveness. Universities and government, however, must also take aggressive action to provide the talent and the environment to make industry's job possible.

AL UNSER—WINNER OF THE INDIANAPOLIS 500

Mr. DOMENICI. Mr. President, today I am very proud and pleased to recognize that on Sunday the father-son team of Al Unser, Sr., and Al Unser, Jr., from Albuquerque, NM, took two top places in America's greatest automobile race, the Indianapolis 500.

Al Unser, Sr., 48 this Friday, became the oldest driver to win the Indianapolis 500, a record previously held by his brother Bobby. He also tied A.J. Foyt's record for most Indianapolis 500 victories, with four.

Just a few cars back Al Unser, Jr., continued the tradition by placing fourth.

The Unser family has become America's premier racing family and obviously New Mexico and their home city of Albuquerque are extremely proud. Their determination and skill are truly an inspiration to all of us.

Al Unser, Sr., went to Indianapolis, as everyone now knows, without a car, and he came out taking the checkered flag.

So I rise today to compliment Al Unser, Sr., and his son, Al Unser, Jr., and, in a very real sense, the magnificent tradition of the entire Unser family.

Incidentally, I called early the following morning after the victory to congratulate him. He was already in a car driving home. So I assume he truly loves to drive. I thought perhaps I would catch him there or that he would be in the air, but in the great tradition of his family he took to the road and headed back to New Mexico.

U.S. PRESENCE IN THE PERSIAN GULF

Mr. McCAIN. Mr. President, I rise to speak about an issue of great concern to me, the American people, and to other Members of this body: The United States military presence in the Persian Gulf and the recent decision on the part of this administration to provide United States naval protection for 11 Kuwaiti tankers.

Mr. President, the United States has had a military presence in the Persian Gulf since 1949. We have an important role to play there. It is also clear that the Carter doctrine, which says the United States will take whatever measures necessary to preserve United States national security interests in the Persian Gulf, is more valid today than when it came into being in 1980.

Mr. President, we are faced with a situation far different than in the past in the Persian Gulf. We are today, faced with Iranians who have articulated time after time their desire to sink United States warships and kill American citizens.

I fully understand why the administration chose to announce that they provide protection for 11 Kuwaiti ships. This action was precipitated by an understandable concern about Soviet penetration into the Persian Gulf, an ambition that the Soviets have held since before the days of the Czars. I understand the concerns of the administration, that in return for protection of their tankers, the Kuwaitis might provide bases and refueling agreements to the Soviets, allowing Moscow to penetrate the Persian Gulf and be a force in that region. Obviously, that would not be in the U.S. interests.

It is also clear that while just 7 percent of the United States oil comes from the Persian Gulf, some 30 percent of the European oil, and some 60 percent of Japanese oil originates in that area.

So we are not the only ones who have vital national security interests in the gulf. In fact, our European allies and the Japanese are more dependent than we upon an uninterrupted flow of oil from the Persian Gulf.

It is incumbent upon the administration that they explain to the American people what our policy is in the Persian Gulf. Do we, for example, have the military capability to protect 11 tankers as they proceed from Kuwait through the Persian Gulf.

Mr. President, some military experts believe we do not have that capability. Some people believe the reason why our naval forces have maintained themselves only in the southern part of the gulf, and the reason why aircraft carriers have not ventured into the Persian Gulf is because they would be extremely vulnerable in that very narrow body of water.

Mr. President, the American people need to be told what is planned, in response to an Iranian attack on either a Kuwaiti tanker flying an American flag or an American warship. If we are going to respond militarily, the American people must be told what is at stake. The American people must know that there is, indeed, a possibility of further loss of American lives. There is also the possibility of more Americans being held captive, as Lieutenant Goodman was after the raids that were made in Lebanon.

The only way to get the support of the American people is to explain clearly what our interests are in the gulf. I would also suggest that there is no time like the present to urge our

European allies to involve themselves militarily to pick up this burden. Mr. President, we have an All Volunteer Force. The most difficult task for any young man or woman in the military today is duty on board a ship in the Persian Gulf. It has an impact on our ability to retain the young people needed to maintain and man the very expensive equipment provided in the extensive military buildup of the Reagan administration. European allies must understand that the United States alone cannot defend the Persian Gulf indefinitely. It is time we made some arrangements for a West German, French, and British naval presence in the Persian Gulf so the United States does not have to bear the entire burden.

I would also like to address for a moment the question of U.S. military bases in the region. Some have suggested that this country should enter into agreements with the Saudis, Omanis, and others leading to the establishment of United States military air bases in the area so we can better protect our ships. Mr. President, I would like to remind you that although this may seem a good idea on the surface, we are having enormous difficulty renegotiating our base agreements throughout the world—in Greece, in Turkey, and in the Philippines, for example. In Indochina, we left behind bases such as Tuy Hoa, Bien Hoa, Pleiku, Da Nang, and most of all Cam Ranh Bay, which now serve as very useful bases for our adversaries. In fact, as we know, Moscow has turned Cam Ranh Bay into one of the finest reconnaissance and naval bases in the world.

So before we enter into an agreement which would entail the expenditure of billions of dollars of taxpayers' money, we must ensure that the host nations are stable, that we can depend on long-term agreements, and that we can depend on those countries not to close the bases in case of external disturbance, as the Prime Minister of Greece did to one of our bases when Athens had some difficulties with the Turks. Finally, we must be very sure that those bases can be defended from terrorist attacks.

Mr. President, I think that American people are deeply concerned about the escalation of our involvement in the Persian Gulf. I am concerned that the administration has not consulted sufficiently with the Congress for support of this action. Just last week the Senate passed overwhelmingly a resolution stating that before the United States Government started protecting Kuwaiti ships, they should consult with the Senate and the House of Representatives. So far as I can see, they have not done so.

Mr. BYRD. Mr. President, there is not order in the Chamber. May we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McCAIN. Mr. President, I appreciate the attention of the majority leader on this very important issue. He was a prime cosponsor last week, along with the Republican leader, of the measure to which I just referred. The majority leader has a deep and abiding interest in U.S. policy in the Persian Gulf. I appreciate very much his involvement in the resolution.

Mr. President, this administration must tell the American people of the stakes involved, so that in case of an attack by the Iranians, the American people will be willing to make the sacrifices necessary to preserve our access to the gulf.

Why is the U.S. presence in the gulf vital to interests of the United States? Because we, along with our allies, must preserve the uninterrupted flow of oil from the Middle East. To do otherwise would have a devastating impact on the economies of the Western World.

NEW LEGISLATION MANDATING ADDITIONAL BANK RESERVES ON TROUBLED THIRD WORLD DEBT IS UNNECESSARY

Mr. DIXON. Mr. President, there has been considerable comment on Citicorp's announcement last Tuesday that it was making a $3 billion addition to its loan loss reserve. That same day, by a vote of 15 to 5, the Banking Committee decided not to impose additional reserve requirements on banks based on their troubled Third World debt exposure.

As the author of the amendment ensuring that no additional statutory reserve requirements were placed on banks' international debt exposures, I want to take this opportunity to comment briefly on the committee's decision and the Citicorp announcement.

First, I want to make it clear that the committee's decision does not represent a head in the sand attitude about our banking system or about Third World debt issues. Rather, it represents the committee's judgment that the banks have taken and are continuing to take the steps necessary to protect their depositors and their safety and soundness. It represents the committee's view that the existing statutory framework, including the International Lending Supervison Act of 1983, provides the banking regulators with all the authority they need to ensure bank capital adequacy against all risks, including troubled Third World debts.

Citicorp's announcement, while dramatic, is simply the latest demonstration that our banks have done and are doing what Congress asked them to do in 1983. They have increased their capital; they have reduced their Third World debt exposure; and they are taking the other steps necessary to resolve their problems.

In 1983, for example, U.S. banks held $94.2 billion in loans to 18 troubled foreign debtor nations, including Brazil, Mexico, and the other leading debtors. The capital ratios of the top 15 U.S. banks averaged only 5.46 percent. By the end of 1986, however, U.S. bank loan exposure to the 18 debtor nations I previously cited had dropped to $87.1 billion, and the capital ratios of the top 15 U.S. banks increased to an average of 7.17 percent.

In 1983, the nine largest money center banks had over 209 percent of their capital exposed to troubled foreign debtors. By 1986, their exposure had dropped to 147 percent of capital. Similarly, the exposure of the next 14 largest banks dropped from 153 percent of capital in 1983 to 87 percent of capital by the end of 1986.

The Third World debt problem has proven to be very difficult and complex, and much more persistent than many at first estimated. There may be additional legislative tools that are necessary or desirable in helping the Treasury, the banking regulators, and the banks themselves work through this problem. As the basis of the factual experience of the last 4 years, however, there is no demonstrated need for additional legislative capital and reserve requirements, which is why the banking regulators opposed them. In this area, Congress can make the greatest contribution by recognizing that additional capital and reserve requirements could actually have adverse impacts on banks' ability to cope with troubled Third World loans and therefore could actually hurt, rather then help, banking system safety and soundness.

While Third World loans are significantly different from troubled energy, agriculture, real estate, and other bank domestic lending, the approach we are using to help the banking system cope with its domestic lending problems is equally applicable to the foreign loan situation.

We are trying to give banks flexibility and time to deal with troubled domestic loans, and Congress has consistently urged the regulators to give banks that can work out of their problems the room they need to restructure loans. That same approach makes sense in the foreign loan area. We need to be concerned about ensuring that the banks have sufficient capital and reserves—and as I stated earlier, our banks have been increasing their capital and reserves—but that concern must be balanced against the need to give them sufficient flexibility to work through this serious problem.

Before I close, Mr. President, I would like to make a few points about the Citicorp announcement. First, it is worth remembering that, while Citi-

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corp increased its reserves by $3 billion, its overall capital ratio increased by only five one-hundredths of 1 percent, from 7.05 percent to 7.10 percent. Citi's action was less a major addition to capital and reserves, considered in total; it was more in the nature of a transfer from the capital account to the reserve account.

Second, it is important to note that Citicorp is much more heavily exposed in Brazil than our other money center banks, and therefore, it does not automatically follow that the rest of our banks should be required to make similarly dramatic additions to reserves.

Each individual major banks situation is different, and a legislative attempt to micromanage each bank's capital and reserve position cannot be effective. I was pleased to see that the Federal banking regulators share this view and are not requiring other banks to make similar additions to reserves simply on the basis of the Citicorp action. Rather, the regulators appear to be continuing on the course that continues to encourage banks to improve their overall capital and reserve positions, while keeping in mind each individual bank's unique problems and circumstances.

Finally, the Senate should know that the Citicorp decision is not without risk. On the one hand, it can be argued that the addition to reserves strengthens the bank's hand as it deals with its troubled foreign loans. Having made the addition to reserves, the bank may be a much tougher bargainer in restructuring negotiations because it seems more willing to take necessary losses.

On the other hand, however, Brazil and other foreign borrowers may well attempt to argue that, since CITI has already made the addition to its reserves in an amount roughly equal to 25 percent of its Third World debt exposure, they should be forgiven some percentage of that debt. If debtors do take this kind of approach, it could significantly increase the problems for the U.S. banking system. It has become apparent that banks will be taking some losses on Third World loans, but how large those losses need to be, and over what period of time they should be taken are still open questions.

CITI's action may help minimize the degree of loss and spread that loss over time. However, if the action has the effect of magnifying the degree of loss, and particularly if it causes the losses to have to be recognized in a shorter period of time, then our banking system would be under even more serious strain than it already is.

Citicorp's decision was not an easy one, Mr. President. I urge my colleagues to see it for what it is—Citicorp's best judgment on how to address the problems it is facing with its portfolio of loans. It does not argue for the rest of the major banks holding troubled Third World loans to take identical actions. However, it is another indication that the existing system is responding to the Third World debt problems and that our banks are taking the hard actions necessary to preserve their safety and soundness.

As I stated before, I do not believe that we need additional legislation to try to micromanage individual banks' capital and reserves positions. Last week's announcement shows that the banking industry and the banking regulators are working well to manage a difficult and complex problem. Last week's vote in the Banking Committee, though it occurred before the announcement, was the right response.

WILBUR J. COHEN

Mr. DIXON. Mr. President, I rise to pay tribute to a great American, an outstanding public servant and a man of unquestionable integrity. On May 17, former Secretary of Health, Education, and Welfare Wilbur Cohen died in Seoul, Korea.

I know Wilbur Cohen through his many great accomplishments and his devotion to public service from the earliest days of the new deal to his outspoken criticism of unfair welfare reforms in the 1980's.

In 1935, at the remarkably young age of 22, Wilbur Cohen played a role in the drafting of the Social Security Act. Later he moved over to the Social Security Administration as a technical advisor and as director of research and statistics. While working in these capacities he worked to expand Social Security benefits to include domestic workers, farm laborers, and disabled Americans.

During the 1950's Wilbur Cohen taught at the University of Michigan and University of California at Los Angeles. Although the Social Security system was then enjoying great success, he wanted to continue his efforts to improve and perfect a welfare system to provide protection and aid to every needy American.

In 1961, President John F. Kennedy brought Wilbur Cohen back to public service and appointed him assistant Secretary of Health, Education and Welfare in charge of legislation. During his 4½ years at this post, Wilbur Cohen helped enact over 60 separate proposals for Social Security, mental health, child welfare, vocational training, and civil rights. Most importantly, Wilbur Cohen successfully proposed and sheparded the Medicare system despite great opposition in Congress. In 1968, President Lyndon Johnson appropriately rewarded Wilbur Cohen by appointing him to be Secretary of Health, Education, and Welfare where he remained an active advocate to the final moment of the Johnson administration.

Although he returned to his second profession as educator, he continued his pursuit of social justice as a professor and dean of the School of Education at the University of Michigan.

Wilbur Cohen served as president of the American Public Welfare Association. He continued to lecture, teach and rally support in the name of a coalition of elderly, labor, blacks, poor, students and churches to protect the programs he had worked so hard to create and design.

Mr. President, Wilbur Cohen was a great American, a great public servant, a great man, whose life and achievements have touched the lives of millions of Americans. His memory will live on in the social programs he worked to create and improve.

Mr. President, I ask that an obituary from the Chicago Defender of May 19, 1987, be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the Chicago Defender, May 19, 1987]

SET CAPITOL, NATIONAL RITES FOR W.J. COHEN

Wilbur J. Cohen, a champion of Social Security and the only person to hold three top positions in the U.S. Department of Health, Education and Welfare (HEW) while serving under three presidents, was eulogized yesterday by members of Congress in a special memorial session in the House of Representatives.

Other memorial services across the country are planned for Mr. Cohen, 73, who died Sunday in Seoul, Korea, where he had gone to deliver a paper on how to start Social Security at a Third World conference on aging.

According to his son, Chris, a lawyer with the Chicago firm of Holleb and Coff, and himself a former HEW midwest regional director, Mr. Cohen had flown from his home in Austin, Tex, to Chicago's O'Hare Airport Saturday to pick up others making the trip before continuing on to Seoul.

"I went to the airport and brought his grandchild to see him, and he looked well. Twenty-four hours later he was dead," said the son. "It was quite a shock. Although he'd had several heart attacks, he'd been in good health."

A distinguished educator, Mr. Cohen earned a bachelor of science degree in economics from the University of Wisconsin in 1934. The same year, his economics professor, Edwin Wittee, selected him to join the staff of a "blue ribbon" Committee on Economic Security, which was responsible for writing the Social Security law, then called the Social Security Act. He was the first employee of the Social Security Board now known as the Social Security Administration.

Mr. Cohen was appointed assistant secretary of HEW by President Harry Truman; undersecretary by President Dwight Eisenhower; and secretary by President Lyndon Johnson. Before that he had been a career employee with the agency from 1935 to 1956.

Mr. Cohen, who founded the Save Our Security (SOS), an advocacy group, was asked

by then Sen. John F. Kennedy to serve as a consultant on a committee dealing with Medicare, which was never developed. In 1961 President Kennedy named him assistant secretary of legislation of HEW, now called the Department of Health and Human Services (HHS).

Additionally, Mr. Cohen was a professor of social work at the University of Michigan in Ann Arbor, where he moved in 1946. In 1978, he instructed summer classes at the University of Michigan and taught during remaining months at the University of Texas at Austin, which is establishing an endowment fund to create the Wilbur J. Cohen Professorship in Health and Social Policy.

Said Penny Joiner, an administrative associate of Mr. Cohen at the University of Texas: "I worked with him since 1960, and he was one of the most special persons I've met. He changed my entire perspective in life. He was the most giving person I've ever known . . . he was unique. This isn't easy for me, for this is a tremendous loss not only to those who know him but to the nation as well. There's a big void in our lives."

Other survivors include his wife, Eloise, of Austin; two sons, Bruce, an organizer of peasants in Central America, and Stewart, Ph.D in engineering at the University of Michigan; plus his brother, Darwin Huxley, of Milwaukee; and five grandchildren.

The family requests that in lieu of flowers, donations be sent to the endowment fund in care of Dean Max Sherman, LBJ School of Public Affairs, Austin, Tex. 78713.

TRIBUTE TO WILBUR COHEN

Mr. SANFORD. Mr. President, when a young man, at age 21, becomes one of the principal architects of the Social Security system, it would be easy for him to say, "I have done my part for my country; now I am going to see to my own affairs." If Wilbur Cohen had taken that route, we would all still remember him with respect and admiration and mourn his death.

But after helping President Roosevelt create the Social Security retirement system, Wilbur Cohen devoted another 50 years of his life to public service. Through the years, he had a hand in shaping just about every government effort to improve people's lives, from Medicare and Medicaid to vocational education, civil rights, child welfare and education for the handicapped. His compassion made compassion a public policy.

At the Department of Health, Education and Welfare, he helped Presidents Kennedy and Johnson create the social legislation that transformed American life. He was a leader in the War on Poverty and Great Society efforts to put a safety net under all Americans. He stood up for migrant farmworkers, and he helped create the Social Security Disability Program. Right up until his recent death, he was speaking out for the 37 million Americans who have no health insurance. He died in Korea, where he had gone to speak on welfare for the aging.

In addition to serving in the Social Security Administration and HEW, Wilbur Cohen taught social work and was the dean of education at the University of Michigan and was professor at the L.B.J. School of Public Affairs. All his life, he was shaping social programs, or shaping the leaders who would carry on these programs.

Wilbur Cohen was a valued personal friend of mine for more than two decades. He was as generous to and concerned for his friends and for the people around him as he was for the millions of people his life was devoted to helping. My heart and best wishes go out to his widow, Eloise, and his sons and grandchildren.

ALLIED SUPPORT

Mr. DECONCINI. Mr. President, last year I spoke on the floor of this Chamber after the United States retaliated against Libya for Colonel Qadhafi's exportation of terrorism. American pilots flew from Great Britain around Portugal and Spain and then back to Great Britain. They were refueled in the air and forced to make a dangerous and hazardous missing even longer due to conspicuously mission allied support. Quickly forgotten was the U.S. role in World War I, World War II, and the Marshall plan. Where were our allies?

Now, after the tragic bombing of the U.S.S. *Stark* and the loss of 37 American sailors, the allies have yet another chance to protect freedom and democracy. This time it is the Persian Gulf. I am certain that the Reagan administration would welcome allied support in protecting this crucial geostrategic area. This might mean additional allied warships in the gulf, cooperation in providing air coverage, and assistance with infrastructure needed to sustain U.S. ships in the region.

Last week this body passed by an overwhelming margin a request for the Department of Defense to issue a report demonstrating United States security plans for Kuwaiti oil vessels. It appears that these ships will be hoisting the American flag. If we are demanding a tighter definition of U.S. military commitments, it is only fair that our allies express their cooperation and commitment to this region. After all, the allies have a considerable interest in maintaining access to the area's oil at reasonable prices, both now and in the future. As I understand, Kuwaiti oil goes primarily to Japan and Europe. This by itself warrants allied cooperation and not unilateral United States action in the Persian Gulf.

Mr. President, our allies have asked us to raise the Stars and Stripes in defending Europe in world wars, in rebuilding Europe, and in spending defense moneys to pursue the peace and freedom of the last 40 years. They are now asking for more commitment on base rights agreements in the area. Let us see where our allies are in this latest crisis. It is definitely in U.S. interests to keep international shipping lanes open in the gulf. It is also in European interests. It is also in world interests. I am hopeful we will see a joint command of allied cooperation in the gulf, including British, French, and German forces in the region. The stakes are too high for a unilateral American presence in the gulf. We must be able to depend on our allies. Members of Congress should pay careful attention to who helps and to what degree as they vote on foreign assistance in the next few months.

The majority leader is recognized.

Mr. BYRD. Will the Chair lay down the unfinished business.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If there is no further morning business, morning business is now deemed closed

SUPPLEMENTAL APPROPRIATIONS, 1987

The ACTING PRESIDENT pro tempore. The clerk will now report the unfinished business.

The assistant legislative clerk read as follows:

A bill (H.R. 1827) making supplemental appropriations for fiscal year ending September 30, 1987, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Heinz Amendment No. 207, to provide an additional $10,000,000 for title V of the Older Americans Act of 1965, relating to community service employment for older Americans.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BREAUX). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending business is H.R. 1827.

Mr. HEINZ. What is the pending amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania is to offer the first amendment.

AMENDMENT NO. 207, AS MODIFIED

Mr. HEINZ. Mr. President, I am about to send to the desk a modification of my amendment, and I will ask

unanimous consent that I be allowed to modify my amendment. I want to explain what the modification is.

It contains an offset in the amount of the $2 million that is the cost of the amendment; and, other than that, the substance of the amendment on the Older Americans Act is the same.

I ask unanimous consent that I may be allowed to amend the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is modified, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

Amendment No. 207 is modified—

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, reads as follows:

On page 40, beginning on line 19, strike out "$38,000,000" and all that follows through "Kenya" on line 22 and insert in lieu thereof the following: "$36,000,000 of which not more than $25,000,000 shall be available only for the Philippines, not more than $10,000,000 shall be available only for Morocco, and not more than $3,000,000 shall be available only for Kenya".

On page 62, between lines 8 and 9, insert the following:

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", to carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $7,800,000.

For an additional amount for "Community service employment for older Americans", to carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $2,200,000.

Mr. HEINZ. Mr. President, I think I can be brief in describing this amendment. I described that portion of it that deals with the Older Americans Act. I described that when I offered the original versions of the amendment last week. But, in order to refresh recollections, I will simply state once again that what the substance of the amendment does is to give a cost-of-living increase, in effect, to that portion of the Older Americans Act, title V, which is the one portion of the act which has not received a similar increase.

Title V, of course, is the so-called senior employment title of the act. It employs poor—that is to say, senior citizens with less than 125 percent of poverty-level income—in doing what is often community service work. Many of them work providing services in senior centers and other ways, usually benefiting other senior citizens.

As I noted, I gave a lengthy explanation of that portion of my amendment last week, and I will not further detain the Senate by restating what I said then.

What I do wish to explain is that the modification of this amendment that I sent to the desk contains an offset equal to the cost of the amendment. The offset would have the effect of reducing by $2 million an appropriation for foreign aid that is found on page 40, beginning on line 19. At the present time, a total of $38 million is requested for three countries—the Philippines, Morocco, and Kenya.

And that $38 million is apportioned among those three countries, $25 million, $10 million, and $3 million, respectively.

What my amendment does is not to reduce the amount that might be allocated to any one of those countries but we reduce the $38 million overall total for those three countries by $2 million and the result will be that one or two or three of those countries will receive ultimately that much less money under this supplemental proposition.

That is the offset and I think with that offset the amendment will pay for itself, be revenue neutral and not be subject to a point of order.

I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, I support the amendment being offered by Senator HEINZ to reinstate in the Senate supplemental appropriations bill $10 million that was included by the House for the title V Employment Services Program authorized under the Older Americans Act.

This amount represents an inflationary increase for fiscal year 1987. Title V is the only program under the Older Americans Act that did not receive an inflation increase for fiscal year 1987. The increase would be the program's first real growth since 1985.

It is estimated that 1,960 new jobs will be created if the Senate approves this amendment. While this does not sound like a significant number of new jobs, the pay-back is substantial in two important respects. First, at least half of these senior workers are in the community providing needed support services to other elderly—by working in senior centers, at congregate meal sites, in home care, in outreach, and in transportation. Second, these senior workers, who are already low income, are able to supplement their livelihood with gainful part-time employment. This means we have seniors helping seniors, while at the same time, helping themselves live a better quality of life.

In New Mexico, our State Agency on Aging through title V, funds 85 low-income senior workers. However, the majority of our positions—which is true nationally—are filled by national contractors. Two major contractors, the National Forest Service and the American Association for Retired Persons offer 193 slots in New Mexico.

While I am pleased that this increase will generate more employment, I support broadening the allocation of these funds. The majority of title V funds goes to a total of eight national employment contractors who have traditionally received these moneys.

What has come to my attention has been the underrepresentation of minority groups in this program, particularly American Indians. A survey conducted by the National Indian Council on Aging shows that only 1.6 percent of the total positions now available through national contractors and state agencies on aging were filled by older Indians. Older American Indians of all ethnic groups have the lowest rate of access to employment services under title V, yet they live in perhaps the greatest poverty—from 33 to 83 percent, depending on the particular reservation or pueblo. I have introduced legislation, S. 1069, to strengthen current provisions for older Indians under the Older Americans Act. These changes include increasing their participation under title V.

Mr. President, I support this increase in funding that will employ seniors in greatest economic difficulty. And I urge my colleagues to seriously consider broadening employment opportunities to those groups seriously underrepresented, such as American Indian elderly.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi controls the time. Does he yield or not?

Mr. STENNIS. Mr. President, if you indulge me a minute here, we do not have someone here yet from the subcommittee who would handle this matter.

Mr. President, do we have a time agreement on this amendment?

The PRESIDING OFFICER. The Chair will state there is a 30-minute total time agreement for both sides.

Mr. STENNIS. Do we have an actual agreement that the time is controlled?

The PRESIDING OFFICER. The Senator is correct. There is a 30-minute agreement on time to be equally divided.

Mr. STENNIS. All right.

Mr. HATFIELD. Mr. President, will the Senator yield for 1 minute?

Mr. STENNIS. Yes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. HATFIELD. Mr. President, may I inquire of the Senator from Pennsylvania, did I understand him to say that the offset that he has now modified his amendment to incorporate is a $2 million offset from the foreign aid chapter of the appropriation?

Mr. HEINZ. The Senator is correct.

Mr. HATFIELD. And the Senator's amendment is to add $10 million to the Older Americans Act?

Mr. HEINZ. I would say to the Senator that the authorization level is for $10 million, but I am advised by the Budget Committee staff that the cost of the amendment, the outlay, is only $2 million.

Mr. HATFIELD. And the $2 million in the offset is for budget authority in the foreign aid chapter?

Mr. HEINZ. Yes. But I am also advised by the Budget Committee the spendout is sufficiently fast on that that it is an equivalent cash offset.

Mr. HATFIELD. So the scoring has been cleared from the Budget Committee?

Mr. HEINZ. I am advised that is the case.

Mr. HATFIELD. Mr. President, from the minority side, I would inform the comanager of the bill if that had been cleared from the budget scoring perspective, we have no indication of opposition on our side.

Mr. HEINZ. Will the Senator yield?

Mr. HATFIELD. I would like to also inform the Senator from Pennsylvania that we have informed the foreign operations subcommittee ranking member where we had earlier understood the Senator from Pennsylvania was going to offset this by reduction savings from the job training and research appropriations. So we had gone that route upon that information.

We will have to have some few moments as the Senator from Mississippi has indicated.

Mr. HEINZ. The Senator from Pennsylvania would like to suggest that both sides reserve the remainder of their time.

Mr. HATFIELD. I would suggest that we have a quorum call for just a few moments to be equally divided.

Mr. STENNIS. Mr. President, before you start the quorum call, if I may say a word. Senator CHILES is chairman of the subcommittee that handles this legislation. We expect him to show up, but he is not yet here. We cannot say that he will be here for certain. We will look for other members of that subcommittee to appear in lieu of Senator CHILES. If it is agreeable, we could just pass matter over until someone can come and respond.

Senator METZENBAUM is here and he is ready to proceed. It will help that much.

Senator CHILES is here. He is in the building and is expected in within a couple of minutes. If we could have the quorum call, if you wish to see if he shows up.

Mr. METZENBAUM. I wonder if the Senator from Pennsylvania would mind if I temporarily set aside his amendment as well as the other pending committee amendment and offer my amendment. I do not think there is any controversy about it. I would not do so unless the Senator from Pennsylvania was comfortable with that procedure.

Mr. HEINZ. The Senator from Pennsylvania has no objection to that.

Mr. METZENBAUM. Pardon?

Mr. HEINZ. I have no objection to what the Senator proposes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the amendment of the Senator from Pennsylvania be set aside as well as all other pending committee amendments, none of them to lose their place as they are at the present moment.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. I object, Mr. President, for the time being. I am anxious for the Senate to be accommodating in every way we can with his amendment and we will get it where we can proceed with it as soon as possible. I am told that Senator CHILES is here in the building and we expect him to show up here in the Chamber within a couple of minutes. That was at least 2 minutes ago. Let us see if we cannot proceed with this since we started it and then I do not want to throw the Senator out of anything but see if we can consummate this now. If not we will come back to him.

The PRESIDING OFFICER. Objection is heard to the Senator's request.

Mr. STENNIS. I do not object to it getting started.

The PRESIDING OFFICER. Who yields time on the Heinz amendment?

Mr. STENNIS. Mr. President, if I may make a suggestion more or less out of order, if the Senator wants to go on and make his argument now and then suspend then for the other when Senator CHILES is here.

Mr. METZENBAUM. Certainly, I think it might be a wise use of time.

Mr. STENNIS. Very well.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, my understanding is there is no objection.

The PRESIDING OFFICER. Without objection, the Senator is recognized to offer an amendment.

AMENDMENT NO. 218

(Purpose: To add $500,000 for grants and contracts under section 5 of the Orphan Drug Act and to reduce appropriations for travel expenses of the Department of Health and Human Services)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk on behalf of myself and Senator HATCH, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself and Mr. HATCH, proposes an amendment numbered 218.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . (a) Notwithstanding any provision of this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, for an additional amount for "Food and Drug Administration, Salaries and expenses", which shall be available for grants and contracts under section 5 of the Orphan Drug Act, $500,000.

(b) Notwithstanding any provision of this Act, the total amount of appropriations for travel, transportation, and subsistence expenses under chapter 57 of title 5, United States Code, for each program, project, activity, or account of the Department of Health and Human Services under this or any other Act for fiscal year 1987, are reduced by a total amount of $500,000.

Mr. METZENBAUM. Mr. President, the Federal Government spends billions of dollars every year on thousands of different programs, from student loans to star wars.

Everyone agrees that we spend far too much on some programs and far too little on others.

No one seems to agree, however, on which programs are worthy and which are worthless.

There is at least one program that enjoys the support of Members on both sides of the aisle, and on each end of the philosophical spectrum.

The Metzenbaum-Hatch amendment having to do with the Orphan Drug Program is just such an amendment.

In the United States, we know of more than 5,000 different rare diseases that afflict over 8 million Americans.

Over half of these attack our children.

While we all are aware of Government-sponsored research in the battle against cancer, heart disease, AIDS, Alzheimer's disease, and others that are on the front burner, we do not hear much about the fight against diseases that strike relatively few people.

That is what the Orphan Drug Program is all about.

It puts some of the Nation's most talented minds to work on the maladies that we do not hear about everyday.

They have odd sounding names, names like Tourette syndrome, Wilson's disease, Marfan syndrome, leukodystrophy, sickle cell, Gaucher's, and thousands more.

At this point, Mr. President, I ask unanimous consent that I may have printed in the RECORD a list of all of those organizations, each one of which is concerned with some particular malady, some particular illness.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

American Narcolepsy Association.
Amyotrophic Lateral Sclerosis Association.
Association for Glycogen Storage Disease.
Cornelia de Lange Syndrome Foundation, Inc.
Cystic Fibrosis Foundation.
Cystinosis Foundation, Inc.
Dysautonomia Foundation.
Dystrophic Epidermolysis Bullosa Research Association.
Ehlers-Danlos National Foundation.
Epilepsy Foundation of America.
Families of Spinal Muscular Atrophy.
Friedreich's Ataxia Group in America, Inc.
Guillain-Barre' Syndrome Support Group International.
Hemochromatosis Research Foundation.
Hereditary Disease Foundation.
Huntington's Disease Foundation of America, Inc.
Immune Deficiency Foundation.
International Joseph Diseases Foundation.
International Rett Syndrome Association, Inc.
Interstitial Cystitis Association.
Mucopolysaccharidoses Research Funding Center.
Narcolepsy Network.
National Association for Sickle Cell Disease, Inc.
National Ataxia Foundation.
National Foundation for Ectodermal Dysplasias.
National Gaucher's Foundation.
National Head Injury Foundation.
National Huntington's Disease Association.
National Ichthyosis Foundation.
National Marfan Foundation.
National Multiple Sclerosis Society.
National Neurofibromatosis Foundation, Inc.
National Retinitis Pigmentosa Foundation.
National Tay-Sachs & Allied Disease Association.
National Tuberous Sclerosis Association, Inc.
Osteogenesis Imperfecta-NCA, Inc.
Paget's Disease Foundation, Inc.
Parkinson's Disease Foundation.
Parkinson's Educational Program (PEP-USA).
Polycystic Kidney Research Foundation.
Prader-Willi Syndrome Association.
Scleroderma Info Exchange.
Scleroderma Society.
Sjogren's Syndrome Foundation.
Tourette Syndrome Association, Inc.
United Leukodystrophy Foundation, Inc.
United Parkinson Foundation.
United Scleroderma Foundation, Inc.
Williams Syndrome Association.
Wilson's Disease Association.
Associate Members:
American Spasmodic Torticollis Association.
Good Samaritan Medical Center, Neurological Coalition, Portland, OR.
National Addison's Disease Foundation.
National Chronic Epstein-Barr Virus Syndrome Association.
Ohio Tourette Syndrome Association.
Research Trust for Metabolic Diseases in Children.

Associations are joining continuously. For newest listing contact the NORD office.

Mr. METZENBAUM. All of these groups unanimously support this amendment. There is a large list of them.

Americans who suffer from rare diseases also suffer from a harsh economic reality.

No pharmaceutical company will make an investment to research and develop a cure for a rare disease when they cannot recover that investment.

Drugs that treat rare diseases do not turn a profit.

Therefore, they do not get developed, and as a consequence those children and those adults who have those illnesses suffer without hope of finding a cure.

In 1983, we began to change all that. Congress passed the Orphan Drug Act. The law is twofold. First, it gives drug companies a tax credit to offset costs of R&D. Second, it set up a special grant program to fund rare disease research. The grant program was authorized at a modest $4 million a year, not much money by Washington standards. Yet even that small amount has never been fully appropriated.

Since 1984, I have offered amendments to bring the grant program up to its full authorization. Gradually, we have brought it close. The program is currently at $3.5 million.

Our amendment will bring the program to the full $4 million.

This relatively minor increase, Mr. President, could make a major difference—maybe even the difference between life and death.

This year, the FDA Orphan Product Board received 40 excellent grant applications. They only have enough money to fund 15.

Our $500,000 amendment will fund seven more programs this year. Researchers are anxious to begin work on these terrible disorders, but they must have our help.

And the 8 million Americans who are suffering from rare diseases today also need our help, and I urge my colleagues to provide it by adopting this amendment.

I might say that the $500,000 expenditure does not have budgetary impact because it is provided in the bill that those funds will be recouped from other funds of the HHS which are used as provided in the amendment.

Mr. President, I am not certain as to whether or not the chairman and ranking member are prepared to accept this amendment. Sometimes I have a yes and sometimes no. I am perfectly cooperative and willing to set it aside or prepared to have you accept it at this point.

Mr. HATFIELD. Will the Senator yield for a question?

Mr. METZENBAUM. Certainly.

Mr. HATFIELD. I would like to ask the Senator if he has received from the CBO—not from the Budget Committee, but from the CBO—the assurance that his proposed offset makes this amendment deficit neutral.

Mr. METZENBAUM. We do not have that advisory from the CBO. I think they wanted some further cuts in the program. We will be glad to explore the subject. I do not think there is any question about the mathematical aspects because, under the amendment, as the Senator knows, it specifically provided that the total amount of appropriations for travel, transportation, and subsistence expenses under chapter 57 shall be reduced by a total amount of $500,000. So we do not try in this amendment to extend the budget.

Mr. HATFIELD. As the Senator knows, we have traditionally scored the appropriations process on the Senate side with budget authority. We are now really into scoring budget outlays. So there is a difference, as the Senator knows, between budget authority and budget outlay.

Since the Senate has been forced in this particular new scoring, this amendment would have to be budget neutral on the basis of outlays or it is subject to a point of order which would require waiving the Budget Act.

Now, I have had a colleague or two indicate that any amendment that violates the budget deficit neutral concept would be challenged on the point of order. Therefore, to ask the question of the comanagers of the bill whether we can accept an amendment, I do not think we are freed up in a sense to accept any amendment unless there is evidence presented with the amendment that the CBO has scored the amendment as budget neutral, deficit neutral.

So I would not be in a position to accept this or any other amendment short of that assurance, because, otherwise, we face the responsibility of this whole appropriation measure either ultimately having a budget waiver passed, which we failed to do initially, or that there are offsets sufficient to cover the question of deficit neutral.

Mr. METZENBAUM. I fully understand the point my colleague is making, but I want to say that I have not gone that route of trying to mix authorizations and appropriations.

The language of the amendment specifically provides that the total amount of appropriations for travel, transportation and subsistance are reduced by a total amount of $500,000. I skipped some language because it specifically refers to where the money is coming from.

So I do not think there can be any question at all about it that we have covered the very point that the Senator from Oregon is making; that is, we are reducing the appropriation. We are not reducing the authorizing fund.

We are reducing appropriations and it is budget neutral.

Mr. HATFIELD. But I would say to the Senator, if he would let me respond, that again all outlays do not spend out at the same rate, as the Senator knows. Reducing appropriations by equivalent amounts to what you want to add to another program may have a different impact on the outlay purely on the basis of the spendout. Some outlays spend out faster than other outlays. So that, as far as my recollection of the traditional scoring by the CBO, the scoring does not happen on the basis of the reduction or the increase in appropriations per se, as that would represent authorization, but rather more precisely on the rate of spendout of the program that you are now wanting to add to as contrasted to the program that you are deducting from.

So I would think it would be required again to have the CBO give us a precise spendout rate to see wherein we maintain the deficit-neutral character of this amendment.

Mr. METZENBAUM. May I make a parliamentary inquiry of the Chair?

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. METZENBAUM. Does the Chair feel that, in the way the amendment is drafted, it indeed would be subject to a point of order?

The PRESIDING OFFICER. The Chair would have to have the point of order made to be able to rule on the point of order.

Mr. METZENBAUM. Is the Chair not in a position to advise a Member as to whether, as drafted, it would be subject to a point of order?

The PRESIDING OFFICER. The Chair states to the Senator from Ohio that in making that ruling the Chair will be relying on the assertions of Budget Office to the Budget Committee, as to whether the amendment meets the Budget Committee's authorization level, and further states that we will be relying on the Budget Committee to determine whether the Senator's amendment would result in an increase in outlays.

Mr. METZENBAUM. The Senator from Ohio appreciates the advice of the Chair but must point out to the Chair that I do not believe that is the responsibility of the Chair to turn to the Budget Committee for a determination or response on a parliamentary inquiry. If the legislation on its face is budgetarily neutral, as this legislation is, then it seems to me that the Chair has no alternative but to rule that it is in order and not subject to a point of order and that the Chair is not in a position to turn to some committee of the Senate and ask them for an interpretation as to what is or is not in order. Is the Chair about to advise me to something in the statute that so provides?

The PRESIDING OFFICER. The Chair would respond further to the Senator from Ohio by reading to the Senator section 311(c) of the Budget Act itself, which states:

Determination of budget levels. For purposes of this section, the levels of new budget authority, budget outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or of the Senate, as the case may be.

Mr. METZENBAUM. Well, I can understand that. But I still do not believe that where the legislation on its face says that it shall be neutral and says that you pick up the same amount of money—I have difficulty, but I am not going to press the point further. I am prepared to offer the amendment and set it aside until we see what the CBO says or, if necessary, to take it to a vote later today.

Mr. CHILES. If the Senator will yield, I suggest that would be the proper thing. Let us see if we can get a ruling as to whether it is neutral or not.

Mr. METZENBAUM. I ask unanimous consent that the amendment be temporarily set aside and retain its place in order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator's amendment is temporarily set aside.

The pending business is the amendment of the Senator from Pennsylvania to which the majority has 9 minutes remaining and minority has 11 minutes.

Who yields time?

AMENDMENT NO. 207

Mr. STENNIS. Mr. President, is it correct to say that this brings us back to the Heinz amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, Senator CHILES is here and desires to be heard on this matter. He represents our subcommittee.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I had understood that Mr. CHILES, a member of the subcommittee, was going to be in the Chamber and wanted to be heard. He does not seem to be here just now. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, it appears to me that we can go forward now with the Melcher amendment. I ask unanimous consent that we temporarily set aside the Heinz amendment and proceed with the Melcher amendment, and, following the disposition of the Melcher amendment, that the Senate return to the consideration of the Heinz amendment.

The PRESIDING OFFICER. Without objection, it is so so ordered. The Chair recognizes the Senator from Montana.

AMENDMENT NO. 219

(Purpose: To require the Secretary of Labor to develop a consumer price index which reflects the impact of inflation on elderly Americans from amounts appropriated to the Department of Labor for fiscal year 1987)

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 219.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, after line 26, insert the following:

BUREAU OF LABOR STATISTICS

From amounts appropriated under the joint resolution entitled "A Joint Resolution making continuing appropriations for the fiscal year 1987, and for other purposes", approved October 30, 1986 (Public Law 99-500 and Public Law 99-591) and available to the Department of Labor, the Secretary of Labor shall develop data for and publish, an index of consumer prices which accurately reflects the distribution of expenditures on goods and services, and the inflation rate within these goods and services, which are purchased by older Americans, and the Secretary shall furnish the Congress with the data and index within 90 days after the date of adoption of this Act.

Mr. MELCHER. Mr. President, this amendment I am offering today has to do with the Department of Labor statistics, specifically the Consumer Price Index. There is a disparity on what the Consumer Price Index reflects as the correct purchases of Americans of all ages and what older Americans have to—I repeat, Mr. President, have to—purchase. The amendment is simply this: The amendment directs the Bureau of Labor Statistics to look at what older Americans purchase and develop an index for older Americans.

Why? Well, I will tell you why. Because last January when older Americans on Social Security and other retirement programs found out that the cost-of-living adjustment was 1.3 per-

cent, they looked at what they had spent in 1986 and they found out that it had gone up a great deal more than 1.3 percent. So they thought some way, somehow they had been rooked, they had been abused. I think I can agree with that.

What do older Americans buy and what would the amendment do that would look at this problem, directing the Department of Labor through their Bureau of Labor Statistics to develop?

Well, I would want them to take into consideration what health care costs are, what doctor's fees are, what hospital fees are, whether they had gone up and how much, and how much prescription drugs had gone up.

I might say to my colleagues, just taking health care costs including those items, they went up about 8 percent in 1986. Of course, that is what older Americans are faced with. They have to buy these kinds of services. They have to buy prescription drugs. They have to go see the doctor.

Then they are also involved in public transportation. That is their form of transportation, rather than buying a new car. Financing a new car in 1986 went down because interest rates were lower. But older Americans are not buying too many new cars, or financing a new house. That financing also went down in 1986 because interest rates went down. But how many older Americans are buying a new house?

On public transportation, that is important to them, and that went up between 6 and 7 percent.

Then, of course, they are buying supplemental health insurance premiums to go along with Medicare. That also went up much higher than 1 or 2 percent.

Finally, something we do not think of very often but older Americans think of it: funerals. Funeral costs went up between 6 and 7 percent in 1986.

What I am saying in this amendment to the Bureau of Labor Statistics is to look at this to reflect what the differences are between the CPI you get, produce, develop and publish, between what it is for the average Americans of all ages and what it is for older Americans on the average. There are hundreds of components in the CPI, the Consumer Price Index, and then those components are weighted and there is a formula. Over the course of time, the Bureau of Labor Statistics has tried to constantly improve on them. But the idea is, in the amendment, that sometimes for older Americans those cost-price increases, whether it is for goods or services that they buy, are not properly reflected in the CPI, and that indeed was the case in 1986.

I hope the terms of the amendment are not too rash. I do not think they are. It directs the Bureau of Labor Statistics to look at this for the next 90 days after this bill becomes law and to use funds that are available to them now rather than appropriating new funds which we were told by the Congressional Budget Office might be in the neighborhood of $200,000.

As we all know, the Social Security COLA is tied to the Consumer Price Index. The CPI, like most any other figure released by the Government, is an ambiguous number that really does not exist. It is an average. However, when computing this average rate of inflation, I believe it is essential to make certain that the categories of different goods and services are properly weighted.

There are hundreds of components which are included in the development of the Consumer Price Index. All of these components are given different weightings according to useage, costs, adjusted inflation rates, and other variables. The CPI is the index that is used to formulate the Social Security COLA. The seven major categories and their associated current weightings on the CPI's 100 point scale are:

1. Housing	40.492
2. Food and beverages	19.733
3. Transportation	19.094
4. Apparel and upkeep	6.362
5. Personal care, education, tobacco	5.768
6. Medical care	4.469
7. Entertainment	4.082

These weightings were recently revised, as they are done every 10 years, to make adjustments for high inflation and reduced consumption. The idea is that as prices increase, consumption decreases. As a result of the medical inflation rate and a number of other factors, the weight of the medical component of the index was reduced from 6.129 to its current 4.469.

While the tendency to reduce consumption as costs go up applies to most goods and services, the elderly—or anyone else for that matter—cannot, and certainly should not, significantly alter consumption of needed medical care just because inflation has increased costs. Moreover, 11 percent of the elderly's expenses—not even close to the CPI's 4.469—go to medical care. Prescription drugs alone rose 9 percent from 1985 to 1986. There is no question in my mind that these figures should be better reflected in the CPI.

In my mind, and those of many older Americans, the CPI does not adequately reflect the inflation rate in medical and other certain key services which are essential to the elderly. To address this situation, I am directing the Department of Labor to develop an inflation index for the elderly which accurately reflects the inflation they face for those goods and services that they spend their fixed incomes on.

My amendment provides that the Department would furnish its findings to the Congress within 90 days after the enactment of the supplemental appropriations legislation. I believe this amendment is important because it will enable the Congress to have a more accurate picture of the true impact of inflation on the lives of older Americans. I urge my colleagues to join me in supporting this amendment.

I believe that the amendment is entirely justified. The Bureau of Labor Statistics, not just looking at the items that the elderly purchase, but also on a weighting formula that would be reflective of what inflation means to older Americans, looking at both the weighting and the items, goods, and services that the older Americans purchase, I believe they can come up with a more fair, more honest Consumer Price Index for the elderly. We would like to have that reported back to us in 90 days under the wording of the amendment.

The PRESIDING OFFICER. The time of the Senator from Montana has expired, being 10 minutes equally divided. Who seeks recognition?

Mr. CHILES. Mr. President, we have had an opportunity to look at this amendment and it would be my feeling that this study is to be done within available funds and so therefore would be revenue neutral. There would not be a requirement on this as far as the waiver. This money basically does come out of the subcommittee on appropriations of which I am in charge. This study is certainly something we could look at and see whether it could be made as the Senator from Montana has requested. It would be my feeling that we could accept this amendment.

The PRESIDING OFFICER. Does the Senator from Oregon seek recognition?

Mr. HATFIELD. Mr. President, the amendment has been cleared on the minority side.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I thank both Senator HATFIELD and Senator CHILES.

I ask unanimous consent that Senator PRESSLER be made a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on or in relation to this amendment occur today at 5 o'clock p.m. and that no

amendment to the amendment be in order at that time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. STENNIS. What is the pending business?

AMENDMENT NO 207, AS MODIFIED

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Pennsylvania [Mr. HEINZ].

Mr. CHILES. We still do not have the official word back from CBO so I would think we should temporarily pass it.

Mr. STENNIS. Mr. President, as I understand there was certain information desired by both sides. The understanding was that we would try to get it, and it has not been reported back yet. But presumably it will be shortly. I hope the Chair would indulge us timewise.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the call of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I am advised by the Budget Committee that the amendment which I sent to the desk and which I showed to the Budget Committee last week and which they assured me was budget neutral is now no longer budget neutral. I want to apologize to the Senate for this. It, you might say, is a circumstance beyond my control, but the estimators have to do what they have to do. And so I would like to send to the desk a modification of my amendment. I am going to need unanimous consent to send this modification to the desk, which is in effect a replacement for the amendment that is at the desk, and I will take a moment to describe it so that everybody knows what it is.

The part regarding title V, the Older Americans Act, is the same. That is the part that spends money. The offset in this case is derived from page 15, line 24 where we would strike $70 million and insert instead $68 million, and this time I am told this particular offset will spend out at a rate where it will offset the cost of our amendment.

So I ask unanimous consent to modify my amendment as I have described it.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. STENNIS. Mr. President, I am not sure the Senator is correct, but I understood the request was for a modification of his amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. HEINZ. The Senator is correct.

Mr. STENNIS. I understand it is a serious modification and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HEINZ. Mr. President, I was wondering if the Senator from Mississippi would reconsider his objection for this reason: today there are only four or five amendments in order—one of them is mine—and later on there will be no unanimous consents and I will be able to offer this precise amendment, and we will vote on it.

If the Senator wants more time to study it, that is one thing. But I do not know what he gains by objecting to this amendment because although he can preclude me, quite properly, from modifying my amendment now, if this is the amendment that I want to have a vote on, we will eventually be able to have a vote on it.

Although the Senator may have some concerns about part of the amendment, I do not know whether it makes much difference whether he objects.

Mr. STENNIS. Mr. President, I was not necessarily trying to defeat the original amendment of the Senator. But I have before me what purports to be the modification which is proposed to strike out the figure $70 million and insert in lieu thereof the figure $68 million.

Mr. President, that relates to an item for the U.S. Navy which is already in the bill.

Now, I am not trying to just merely defeat this amendment. I think it raises a very serious and very grave question.

We bring in these great numbers of bills totaling many millions of dollars, even hundreds of millions of dollars, and take it out of a fund, with no chance to very well cover or make understood now, and take it over to another fund that is smaller and can be partly explained.

It is unthinkable, it seems to me, for a vast proposal like this bill, the supplemental, and when others which are much larger come in, that, without any relationship between the different projects that are represented by these funds, we switch from one to another. It is not only bad precedent; it is an intolerable practice to cultivate and permit to grow.

So, with all deference to the author of the amendment, it seems to me that we should not think of trying to go that route and thereby set a precedent. That is the trouble with the whole thing—setting a precedent whereby we can throw these matters around from place to place.

The PRESIDING OFFICER (Mr. GRAHAM). The Chair observes that an objection has been heard, and the time of the Senator from Mississippi, the manager of the bill, has expired.

Who yields time?

The Senator from Pennsylvania has 5½ minutes remaining.

Mr. HEINZ. Mr. President, I reserve the remainder of my time.

I ask for the yeas and nays on the Heinz amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CHILES. Mr. President, will the Senator yield?

Mr. HEINZ. I yield.

Mr. CHILES. The Senator from Florida is confused as to whether the Senator from Pennsylvania has further modified his amendment or not.

Mr. HEINZ. No. The Senator from Pennsylvania has not modified his amendment.

I did send a modification to the desk, but there was an objection. That modification, therefore, is not a part of the Senator's amendment. I did send an earlier modification to the desk, roughly an hour ago. That was agreed to by the Senate, and that is what is pending. That modification has an offset.

Mr. CHILES. My understanding from CBO is that that offset does not totally cover the outlays.

Mr. HEINZ. That is correct. You might put it down as a good-faith effort that worked last week and falls somewhat short of the mark this week.

Mr. CHILES. Then, I have to say to my good friend, reluctantly, that when he asks for the yeas and nays, I will ask for a point of order.

Mr. HEINZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. CHILES. Mr. President, I raise a point of order on the amendment.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the point of order cannot be raised until all time has expired on the amendment. There is 1 minute and 30 seconds remaining on the time for this amendment.

Mr. HEINZ. Mr. President, in order to expedite matters, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania yields back his time.

All time has expired.

Mr. CHILES. I make the point of order, Mr. President.

Mr. HEINZ. Mr. President, I move that the Budget Act be waived.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act.

Mr. CHILES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote—which will be a rollcall vote—on the waiver of the Budget Act occur immediately following the disposition of the amendment by Mr. MELCHER later today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The vote on the point of order will occur immediately after the vote on the Melcher amendment.

Mr. BYRD. Mr. President, following in the train of that vote, there could ultimately be a vote on the amendment by Mr. HEINZ. In that event, I ask unanimous consent that no amendment to that amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now recurs on amendment No. 218. Is there further debate?

Mr. BYRD. Is that the Metzenbaum amendment?

The PRESIDING OFFICER. It is the amendment offered by the Senator from Ohio.

Mr. HATFIELD. Will the Chair define the amendment?

The PRESIDING OFFICER. Will the Senator from Oregon repeat the question?

Mr. HATFIELD. Will the Chair describe the amendment that the Chair has placed before the body?

The PRESIDING OFFICER. It is the amendment offered by the Senator from Ohio [Mr. METZENBAUM]. It is amendment No. 218.

Does the Senator wish the amendment to be reported again?

Mr. HATFIELD. What is the question?

AMENDMENT NO. 218

The PRESIDING OFFICER. The question recurs on the consideration of this amendment.

Mr. HATFIELD. Mr. President, does the Chair have the information as to the question of the scoring on this amendment that was raised by myself earlier on, for which this amendment was temporarily laid aside?

The PRESIDING OFFICER. The scorekeeping information has not yet been made available.

The amendment was to be set aside for consideration of the Heinz amendment; and, that consideration having been completed, the business before the Senate is the Metzenbaum amendment.

Mr. HATFIELD. Mr. President, I raised the question earlier, and I will raise it again if that matter has not been resolved.

As I indicated, the Gramm-Rudman-Hollings amendment to the Budget Act designated the Budget Committee as the responsible authority to score such amendments as this in our appropriations process; and inasmuch as a point of order was just raised about the Heinz amendment, until we get this information, this amendment also would be subject to a point of order, which I will not make, because I believe that the Budget Committee was in the process of determining the outlay impact.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, while the managers are here this would be a good time for Senators to call up their amendments. No rollcall votes will occur today until 5 o'clock. I think this is probably a pretty good example of what happens when rollcall votes on the day after a break have been scheduled not to occur before 5 o'clock. It shows how things can be stalled. Senators know there will not be rollcall votes until 5 o'clock. Some Senators who have amendments do not show up to call them up. As a consequence, the managers sit here and a lot of time passes when the Senate does nothing.

Mr. President, I hope Senators will avail themselves of this opportunity to call up amendments.

Mr. President, I yield the floor.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

AMENDMENT NO. 220

(Purpose: To provide an additional $100,000,000 and a method of distributing these supplemental funds for the Summer Youth Employment and Training Program under title II-B of the Job Training Partnership Act)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The question to the Senator from Illinois is, Is the amendment which has been submitted the amendment contemplated under the unanimous-consent agreement previously entered?

Mr. DIXON. Yes, Mr. President, this is the summer youth amendment that is contemplated in the unanimous-consent agreement. I think it is in line with the advance information given to the distinguished managers of the bill.

The PRESIDING OFFICER. It will require unanimous consent to set aside the pending amendments in order that this amendment might be considered.

Mr. DIXON. I thank the Chair. Mr. President, I ask unanimous consent that the existing presently contemplated amendments be set aside in order to take up the question of the amendment I have sent to the desk.

Mr. STENNIS. Mr. President, reserving the right to object, and I do not expect to object, what is the agreement timewise?

Mr. DIXON. May I say, Mr. President, I am not sure, but I am very amenable to any decent agreement or a short time period.

The PRESIDING OFFICER. The time agreement has 30 minutes per side on the amendment which the Senator from Illinois is now posing to offer under the unanimous-consent agreement.

Mr. STENNIS. I do not object.

The PRESIDING OFFICER. Without objection, the previous business is temporarily set aside and the clerk will read the amendment offered by the Senator from Illinois.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself and Mr. METZENBAUM, proposes an amendment numbered 220.

Mr. DIXON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, line 13 strike out "$207,476,749" and insert in lieu thereof "$107,476,749".

On page 61, between lines 21 and 22, insert the following:

"For an additional amount for 'Training and employment services' for the Summer Youth Employment and Training Program for program year 1986, $100,000,000, which shall be allotted promptly to the States so that each service delivery area receives, as nearly as possible, an amount equal to its prior year allocation for this program.".

Mr. DIXON. Mr. President, I rise today to offer an amendment on an issue many of my colleagues know is dear to my heart, saving the Summer Youth Program. I originally came here, Mr. President, with the intention of offering a simple amendment, an amendment to transfer $50 million from next year's budget and apply it to this year's budget. The problem that we face, however, is even with a $50 million transfer, this program will still be $96 million below last year's level.

Taking $50 million in a transfer only puts a little patch on the problem. So I say, let us try to solve the problem with a solution, not with a patch.

A $100 million offset in this year's supplemental appropriations bill, however, will go a long way to solve this problem.

I ask you, Where can the Senate cut $100 million that can be used by the Summer Youth Program? The answer is, take $101 million in the severance plan being proposed for the World Bank.

How can the Senate, Mr. President, in good conscience, support a severance plan that would give up to $200,000 per individual in severance pay, in addition to any already earned pensions, to World Bank employees? Now listen to this: $200,000 per person in severance pay over and above grand salaries and over and above earned pensions for World Bank employees when we are cutting 140,000 youths from the Summer Youth Program at $1,067 a month.

Mr. President, I do not think of any right offhand, but I am sure there are many good things that the World Bank performs, but $200,000 per person is not one of them. Further, what do we, as Senators, say to those youths that need help in getting a summer job and are denied it because of lack of funding, when we are giving over $200,000 in individual severance pay to World Bank employees?

Mr. President, to point out the problem our youth have in getting summer jobs, I ask unanimous consent that an article that appeared in today's Washington Times be printed in the RECORD at this point. I might observe, Mr. President, that the Washington Times is not known as one of the more liberal publications in the United States of America. This particular publication points out the very serious emergency situation with respect to the lack of summer jobs in the country for youths.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

URBAN JOB BOOM REMAINS A BUST FOR YOUNG BLACKS SEEKING WORK

(By Isaiah J. Poole)

BOSTON.—On the surface, Boston—with an idyllic 3.1 percent unemployment rate—is a job hunter's paradise.

Yet in Roxbury, a predominately black section of the city, youth unemployment is about 50 percent, says Lyn Nicholson, executive director of ADAPT, a private youth training program.

"The young people are constantly asking us for jobs," he said. "We don't have jobs for them."

That view is echoed at Franklin Field, a neatly manicured but troubled black housing project in Dorchester, another Boston neighborhood. "The unemployment rate here statistically has to be about 70 percent of the youth," says Thomas Jenkins, a counselor with the Franklin Field Task Force youth jobs program.

City officials and regional federal employment statisticians say they cannot even estimate what the black youth unemployment rate is in Boston as a whole, but they do not dismiss the reports of youth employment workers and community leaders.

Boston is not the only city experiencing this odd dichotomy. In many metropolitan areas, youth unemployment, particularly among blacks, has increased or remained stagnant in the midst of a job boom in the entry-level wage service sector.

Nationwide, at least 1.4 million youths who want jobs cannot get them. In April, the youth unemployment rate was 17.4 percent, compared to 5.5 percent for adults, according to the Bureau of Labor Statistics. For black teen-agers, the rate was 38 percent.

"If you look at the numbers in our central cities, they are terrifying," said Secretary of Labor William Brock in a recent interview. "Whereas the rate overall might be 18 percent across the board, in some of our central cities it is running 30, 40 or 50 percent."

High black youth unemployment rates are a relatively recent phenomenon, most private and government economists say. As late as 1954, black youth unemployment was 13.4 percent, lower than the white rate of 14 percent, the Department of Labor reported.

But by the mid-1960s, black youth unemployment rates began consistently running double the white rate, peaking at 47.3 percent in 1983 when the white rate reached 22.6 percent.

Many point fingers at the educational system as a major reason. "The performance of our educational system is just miserable," Mr. Brock said.

When the National Alliance of Business, a trade association specializing in employment issues, predicted last year that youth unemployment will increase through the end of the century, it blamed "continuing ineffective vocational counseling and job placement and lack of basic literacy skills of youth, particularly minorities."

In Boston, the school dropout rate is the critical factor in keeping youth unemployment rates high, said Gary Kaplan, director of Jobs for Youth-Boston, a private program that offers training and counseling for teen-agers and young adults. In the 1985-86 school year, 2,900 students graduated from high school. Another 3,500 dropped out. For those who drop out, job opportunities have all but vanished.

"Nine out of 10 jobs in Boston now require a high school diploma," Mr. Kaplan said.

In recent years, businesses have sought closer linkages to school systems. Major corporations and the school system in Boston formed the "Boston Compact" in 1982, with businesses agreeing to provide youth jobs and scholarship funds and schools committing themselves to improving student academic performance and job readiness.

The results of these efforts so far have been mixed.

Still, Pierce A. Quinlan, executive vice president of the National Alliance of Business, says his organization is encouraging the expansion of such efforts nationwide. "It's not a silver bullet, but it is one way the private sector is getting involved," he said.

Social, business and political leaders say the youth unemployment problem also has been exacerbated by lagging economic growth and difficult social conditions in low-income areas.

But the leaders also have more hope than ever that they can make a dent in the problem.

In addition, the White House hopes to modify the federal summer youth jobs program this year so that states can, if they choose, offer a year-round job training program for welfare-dependent youth. The proposal has been approved by the Senate, but House Education and Labor Committee Chairman Augustus Hawkins, California Democrat, has denounced it as "just a gimmick" and predicts House rejection.

The bill, if passed, would increase spending on the summer youth jobs program by $50 million, to $850 million.

But the subminimum or "youth opportunity" wage is expected to be the major youth unemployment fight this year.

While Democrats in Congress seek to gradually increase the minimum wage—currently $3.35 and hour—to $3.85 next year and to $4.65 an hour by 1990, the Reagan administration plans to resurrect its subminimum wage proposal.

"If we just succeed on that, I think we would see a major improvement for minority youth," said Gary Bauer, White House assistant to the president for policy development.

The Labor Department has estimated that a youth subminimum wage could help create some 400,000 summertime jobs.

Yet in the last five years, the administration had made little significant progress in winning congressional support for a subminimum wage, despite a 1986 endorsement from the National Conference of Black Mayors. The conference backed a limited test of it for first-time summer-job seekers.

But this year, with the introduction of bills to raise the minimum wage by the chairmen of the Senate and House Labor committees—Sen. Edward Kennedy, Massachusetts Democrat, and Mr. Hawkins—the White House sees a way to force the issue.

"We want to make Mr. Kennedy and the others answer publicly why they come down on the side of big labor at the expense of those who need jobs," Mr. Bauer said.

Many economists suggest that, based on historical trends, each 10 percent increase in the minimum wage results in the disappearance of 100,000 jobs.

Black conservative economist Walter Williams of George Mason University believes the minimum wage is responsible for the disappearance of such unskilled entry-level jobs as theater ushers, service station attendants and supermarket baggers.

Rick Berman, a Dallas-based restaurateur who owns 450 Steak and Ale and Bennigan's restaurants and heads a coalition against a minimum wage increase, thinks the Kennedy-Hawkins proposal could eliminate as many as 300,000 entry-level jobs.

The last series of minimum wage hikes, which ended in 1981, meant a loss of 2,000 jobs through attrition in his chain alone and has led to a decline in service in other restaurant chains, Mr. Berman said.

Mr. Hawkins agreed that there will be some "displacement" of youth as a result of a minimum wage increase. But he said the minimum wage needs to be increased for the approximately 30 percent of persons working at that wage who are supporting families.

A person working full time at the minimum wage today earns $6,968 a year, $15 under the poverty line for a family of two and $1,309 under the poverty line for a family of three.

"The way to help those youth [who are displaced] is to target programs to help them, and not to depend on the wage," Mr. Hawkins said. "It's a question of providing a livable wage for the parent so they can keep their kid in school."

If Congress is determined to raise the minimum wage despite administration and business concerns. "the least we can do is exempt those who have never had a job or those under 21 with nothing but entry-level skills, so we don't deprive them of any job at all," Mr. Brock said.

Some directors of youth employment programs also think a subminimum wage for youth is a bad idea. For one thing, labor shortages have bid up wages above the minimum, making the subminimum wage issue irrelevant, they say. And, they add, some

youth do not think the current wage is worth working for.

"In a city like New York or Washington, D.C., by the time you factor in the cost of transportation to and from the job and other expenses, a youngster might come out with only $20 a week. They'll say it's not worth the aggravation," said Albert McIntosh, director of the Community Services Council of Greater Harlem, a New York City program that offers youth employment programs and other social services.

But Mr. Williams said youth leaders should encourage teen-agers to change their attitudes toward such job opportunities.

"If I'm honest and compassionate with them and taking the long-range view," he said, "I would tell them to take a job they can qualify for. Take them around to some 30- to 40-year-old people who have been on drugs or something, and let them see whether that's the way out."

While the minimum versus subminimum wage debate rages in Washington, the Franklin Field Task Force in Boston is tackling the local unemployment problem with a job fair next month. As many as 60 companies are expected to attend.

"These companies say that they want to do anything they can to help the community," said Wayne Rutledge, activities coordinator for the task force. "We say give us jobs."

YOUTH UNEMPLOYMENT

[Average estimates, 1986; in percent]

	Official overall rate	All youth ages 16 to 19	Black youth ages 16 to 19	White youth ages 16 to 19
New York	7.4	26.3	33.3	22.9
Los Angeles	7.1	23.1	[1] 34.6	19.9
Chicago	13.1	36.0	61.2	18.7
Philadelphia	7.2	23.5	[2] 33.3	[2] 20.8
Detroit	21.7	51.5	57.1	[2] 33.3
Boston [3]	3.1	7.7	[2] 25.0	7.1
Houston	12.0	25.2	[2] 36.3	20.5
Dallas/Ft. Worth [3]	8.4	18.7	[2] 31.5	15.5
Washington	7.7	27.7	31.1	[4] NA
Miami [3]	6.9	23.3	[2] 41.6	16.1
St. Louis	9.5	[1] 23.7	[1] 35.5	[4] NA

[1] Estimated from data provided by State employment agencies.
[2] Estimated from BLS data: the margin of error is outside range of Federal statistical standards but is confirmed by anecdotal reports.
[3] Includes metropolitan statistical area.
[4] Data not available.
Source: Bureau of Labor Statistics except as noted.

Mr. DIXON. Mr. President, we should not be funding $200,000-per-person severance plans for World Bank employees when we have serious problems right here at home, in America. Let me remind my colleagues that there is a human cost borne by our youths and a financial cost borne by our businesses that must train these youths associated with the summer youth program. According to the report "Reconnecting Youth: The Next Stage of Reform," a report from the Business Advisory Commission of the Education Commission of the States, business and industry are spending $40 billion annually to train employees. The employees of the next decade will be even more expensive to train. Increasingly, the private sector will find itself teaching them remedial reading, writing, and mathematics. By 1990, education and training in the public and private sectors may constitute the largest industry in America.

In our major cities—Chicago, Los Angeles, New York, Philadelphia, Houston, Miami, Cleveland, Baltimore, Boston, and many others—the estimate is that half of the high school population is at risk.

We have a chance with this amendment to help these people. By accepting this amendment, the Summer Youth Program will assist more than 93,700 youths. We will also be letting the World Bank know that we object to this outrageous raid on the U.S. Treasury.

And it is, Mr. President, an outrageous raid on the public treasury, and I believe most Senators here do not even know about it.

In Chicago, we are faced with a $7.1-million cut in the 1987 Summer Youth Program. Without this amendment, over 8,000 disadvantaged youth, ages 14 to 21, would be denied gainful summer employment in the city of Chicago, in my State.

I sent a letter to every Senator outlining the severe impact this year's level would have on your State. Forty-eight of the fifty States in the Union are losers if we do not adopt this amendment. Further, there are at least 26 States that will receive at least a 19 percent cut from last year's funding without this amendment.

The States are: Alabama, a cut of 23.5 percent; California, 19.7 percent; Connecticut, 26.9 percent; Florida, 26.9 percent; Hawaii, 22.3 percent; my home State of Illinois, a cut of 24.9 percent; Indiana, 26.9 percent; Kansas, 26.9 percent; Maine, 26.9 percent; Maryland, 26.9 percent; Massachusetts, 26.9 percent; Michigan, 23.9 percent; Minnesota, 24.5 percent; Missouri, 26.9 percent; New Hampshire, 23 percent; New Jersey, 26.9 percent; New York, 26.9 percent; North Carolina, 26.9 percent; Ohio, 22 percent; Pennsylvania, 26.9 percent; Rhode Island, 26.9 percent; Utah, 26.9 percent; Virginia, 26.9 percent; Washington, 21.8 percent; West Virginia, the State of the distinguished majority leader, 21.4 percent; Wisconsin, 24 percent.

The 140,000 kids in America, Mr. President, young people who want to work, affected by this cut cost $1,067 per person to both train and enter into the work force. On the other hand, the World Bank reorganization plan—the World Bank—affecting 390 people, costs $200,000 per person to leave the work force.

I wish every Senator were on the floor, Mr. President, one of the grievous things, sadly—I mean this sincerely—about the way we do business here is that many Senators will not hear this. I believe I would win on this amendment 100 to 0, Mr. President, if they heard. I want to say again 140,000 poor kids in America, 140,000 at $1,000 each against 390 people nobody in this room knows at the World Bank, $200,000 apiece because they are leaving a job. I wish, Mr. President, that everyone could know that.

I say let us put our kids back to work. Let us let those 390 workers at the World Bank find other work.

Mr. President, at this point, I rest my case so that others may be heard on this issue. Let me simply say in conclusion that I wish the managers could consider this. I believe it is a meritorious amendment. We are cutting summer youth this year if we do not adopt this amendment down to $638 million. Next year, $750 million is provided—that is next year. Last year, or rather the year we are in, $782 million. So this year, we are spending $782 million on summer youth. If we do not adopt this amendment, we are cutting it to $638 million this year, then jumping it back up to $750 million next year. So all I am trying to do with this amendment, Mr. President, is hold it kind of close, roughly the same, for this year and next, and the next out year, after the coming year, that begins October 1. I do not think that is an unreasonable request, Mr. President, and I cannot think of a better way to do it than to take this money from the World Bank where they want to give $200,000 a head to 390 people.

I yield back my time, Mr President, subject to an opportunity to respond to those who may wish to oppose the amendment.

THE SUMMER YOUTH EMPLOYMENT PROGRAM—A GOOD INVESTMENT IN THE FUTURE

● Mr. RIEGLE. Mr. President, I rise as a cosponsor and strong supporter of the amendment proposed by the Senator from Illinois.

The Summer Youth Employment Program, title II-B of the Job Training Partnership Act, puts disadvantaged youth to work during the summer. In recent years, the funding for this program has been drastically cut, from $825 million in 1985, to $725 million in 1986, and now only $636 million for this summer. Little by little, we are cutting the number of jobs available for the poorest young people in our Nation's cities—from 803,000 jobs in 1985, to 775,000 in 1986, and now only 635,000 for this summer.

Without this restoration, most States across the country will receive a cut in funding and a cut in the number of summer jobs which can be provided for underprivileged kids this summer. The biggest losers are: California, which will lose an estimated $15.1 million; New York will lose $14.8 million; Illinois, $11.3 million; Pennsylvania will be short $10.7 million and Michigan which will lose $9 million.

Often we debate preventing problems that face our youth, such as drug abuse and teenage pregnancy. But a problem which affects many more of these young people is the problem of

teenage unemployment. In April, the unemployment rate was 17.5 percent for teenagers and 38 percent for black teenagers. These figures are an outrage. But instead of trying to do something about them and help our young people we continue to whittle away at this jobs program and whittle away at the future of our young people. Last year 48,000 summer jobs were lost due to cuts in this program and over three times that, 159,000 will be lost this summer if we fail to act.

While this amendment would restore some funds for the program, it is only a partial restoration and does not even meet last year's levels of funding. The amendment will provide approximately 90,000 additional jobs, for a total of 725,000 jobs this summer still far fewer than have been provided in many years.

By putting these young people to work, we move against many problems they face and accomplish many positive things. We need to prevent many other problems they might otherwise face. We keep them busy and out of mischief. But most important, we begin to build character and responsibility and provide valuable job training experience.

Not only do our teenagers lose out but so do our cities. The cities lose because this is where youth unemployment hits us the hardest. But also because these jobs have been providing our cities and their residents with services which they would not otherwise be able to provide for themselves.

A good example comes from the city of Detroit. Last summer the city of Detroit employed 7,000 young people in a number of city departments. Not only did these 7,000 young people benefit but the whole city benefited because these young people were put to work cleaning parks, planting trees and flowers, assisting the elderly, assisting with clerical work in hospitals and generally making the city of Detroit a better place in which to live.

I urge my colleagues to vote for this amendment because it is necessary, it is money well spent, and it contributes on many levels to the future of our country.●

● Mr. METZENBAUM. Mr. President, I rise as a cosponsor and enthusiastic supporter of the amendment offered by my distinguished colleague from Illinois, Mr. DIXON. This amendment is of great importance to America's young people and to America's cities. It would transfer $100 million to the 1987 Summer Youth Employment and Training Program.

Summer is nearly upon us and millions of young people soon will be looking for summer jobs. In past years, thousands of economically disadvantaged high school students, many of whom live in our Nation's urban centers, were employed through the Summer Youth Employment and Training Program. This program is a part of the Job Training and Partnership Act of 1982.

But this summer, because of an unexplained shortfall in funding for the program, tens of thousands of poor youngsters likely will have no jobs and will be forced to languish on the streets. According to the Department of Labor, last summer we appropriated $724 million to this program and next summer the administration intends to conduct a $750 million program.

This summer, however, there is only $636 appropriated for summer youth jobs. That means in a few weeks more than 120,000 poor youngsters across the country who want and need summer jobs and who expected to have productive summer months could be frustrated and bitter because they will be turned away. In my State of Ohio, for example, over 8,000 summer jobs will be lost.

I do not need to tell Members of this body what an explosive situation this could create. Unemployment breeds other problems like crime and drug and alcohol abuse. Unemployed, bitter young people are a seething cauldron waiting to boil over. Those trapped in the streets of our inner cities may lash out unless we channel their energies into productive activities.

The Summer Youth Employment and Training Program channels that energy and provides more than just a job—it builds selfesteem and confidence. Remedial education and training services provided through the program also help academic performance when youngsters return to school.

The Dixon amendment closes the unexplained gap in funding for this summer's program. Without this amendment, cities will face major summer job cutbacks. In Cleveland, for example, this summer's program will have 29 percent fewer jobs than in 1985. But these cutbacks are not limited just to large cities. In Toledo, there will be a staggering 44 percent fewer summer jobs than in 1985.

Local officials and groups dedicated to serving young people strongly endorse this effort. I urge my colleagues to join with me in supporting the Dixon amendment as well.●

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, if there is any Senator present who wishes to use some time on this matter, why, I will be glad to yield to them. Senator CHILES is the chairman of the subcommittee, as I have said, that handles this legislation, along with others. He is available but is not in the building as of right now, as I am told.

Mr. DIXON addressed the Chair.

Mr. STENNIS. We have been in touch with him.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. STENNIS. I will yield to the Senator.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. I am advised, not having been advised of it until during the course of my remarks, that the amendment I am offering amends a section on a piror occasion, that it would require unanimous consent to do that. I ask at this point unanimous consent that I may proceed on the merits.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, will the Senator restate the request, please.

The PRESIDING OFFICER. Will the Senator from Illinois restate his unanimous-consent request.

Mr. DIXON. I ask unanimous consent to proceed with this amendment notwithstanding the fact that that section has been amended on a prior occasion, as I am now informed by staff.

Mr. STENNIS. Mr. President, I am advised by someone representing the other side of the aisle that objection is made to this amendment so I have to object.

Mr. DIXON. I regret very much, Mr. President, the meritorious aspects of this amendment would be objected to by the other side, it appears. If that is the case, Mr. President, it will be necessary for me to recraft an amendment, I expect, and offer it at a later occasion today. I had not been informed before undertaking this amendment that it did amend a section amended on a previous occasion. Does the distinguished minority manager, who is not even on the floor, persist in objecting to the merits of this on the obvious grounds that there is a technical problem?

The PRESIDING OFFICER. An objection having been heard to the request, the request is not granted. The amendment is not in order.

Mr. DIXON. Mr. President, I will have to recraft an amendment and offer it at a later time. I regret very much taking the time of the Senate. Obviously, I had not been informed of the circumstances. I am surprised, however, that the ranking minority member would persist in an objection where there is no reasonable dispute about the merits of the amendment. However, I will withdraw the amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARKIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 221

(Purpose: To prevent the Bureau of Indian Affairs from transferring certain Bureau schools to tribal, State, or local control)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment at this time?

Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 221.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, line 17 before the period, insert the following:

SEC. . (a) Provided further, that no school operated by the Bureau of Indian Affairs may be transferred to the control of any tribal, State, or local government until the Secretary of Interior has submitted to the Congress, or to the appropriate committees of the Congress—

(1) a report on the studies and surveys required under section 1121(a) of Public Law 95-561 (25 U.S.C. 2001(a)), and

(2) the report required under section 1136(a) of Public Law 95-561 (25 U.S.C. 2016(a)) for fiscal year 1986.

(b) Subsection (a) shall not apply with respect to any transfer of a school to the control of an Indian tribe under a contract entered into under the Indian Self-Determination and Education Assistance Act if the governing body of the Indian tribe approves of the transfer.

Mr. BINGAMAN. Mr. President, I offer this amendment to the supplemental appropriations bill for fiscal year 1987 to prohibit the Bureau of Indian Affairs from implementing its proposal to transfer Bureau of Indian Affairs schools to tribes or to States, until the Bureau complies with the study requirements mandated in Public Law 95-561, the Indian Education Amendments of 1978, relative to the quality of Indian education.

Mr. President, I am troubled by the fact that the Bureau has never sent to the Congress studies mandated under Public Law 95-561, the Indian Education Amendments of 1978. In this law, the Congress required that the Bureau, under section 2001, submit to it studies and surveys to establish and revise education standards for Bureau and contract schools. This law also required, under section 2016, that the Bureau submit an annual report to Congress on "the state of education" within the Bureau's education programs. According to both House and Senate authorizing committees, the Bureau has never submitted either report to the Congress. I originally intended to include in my amendment a requirement that the Bureau submit a study on the status of Indian education, but was told this had already been mandated in 1978. I find it a serious breach of responsibility that the Bureau has never told the Congress how its schools are doing in educating Indian children. Although it makes little sense to again add statutory language to require the Bureau to submit these studies, my amendment does specify that before the Bureau implements its plan that these studies be completed and submitted to Congress pursuant to Public Law 95-561. My amendment in no way changes the general prohibition language now in the supplemental bill regarding the Bureau's proposed initiatives.

I have been working with the tribes in New Mexico and the State department of education and the general consensus among these two parties is that there is a serious lack of information about and a general distrust of the BIA proposal to transfer control of the schools. My amendment merely assures that no action will be taken by the Bureau to allow this initiative to go into effect until and unless the Congress reviews it, ample guidance is developed, and the Bureau responds accordingly. This is all contingent on the Bureau giving to Congress the previously authorized studies.

Although the supplemental appropriations bill contains general language that broadly disallows the Bureau from implementing "proposed initiatives," I'm not convinced that this is sufficient. Therefore, I am specifying in my amendment that the BIA transfer proposal make the congressional intent clear that this "proposed initiative" will not be implemented until Congress has had the opportunity to review relevant reports associated with the status of Indian education. My amendment, however, still allows an Indian tribe, at its prerogative, to operate a school under a contract pursuant to the Indian Self-Determination Act.

Even more importantly, this amendment should allow those parties most directly involved—Indian tribes and State educators—to be included in shaping their own educational policies. In order to accomplish this goal, I hope that the Bureau will do an analysis of the current quality of education provided by Bureau, contract, and public schools serving Indian children in order to give us some baseline information. Also, I have asked that the Bureau actively solicit input from tribes and local and State education officials. I believe that unless we require a comprehensive factfinding and decisionmaking process, we will continue to fail to improve Indian education.

I am encouraged by the constructive activity undertaken by interested parties in my State. The State legislature recently appointed a legislative study committee to look at this issue. New Mexico Indian tribes are also debating the pros and cons of State versus tribal control over Indian education in their public forums and in council chambers. Many questions remain unanswered and I believe rather than rushing ahead blindly, we must carefully weigh the opportunities and the pitfalls of this proposal.

I have directed several of these questions to Mr. Ross Swimmer, Assistant Secretary for Indian Affairs. I just received his response May 20 and I ask unanimous consent that my letter to Mr. Swimmer and my questions to him, as well as his response, be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BINGAMAN. Mr. President, this correspondence best illustrates the types of issues that I feel can more appropriately be included in a study. I encourage the Bureau to follow it as a basic guideline. I intend to raise these same issues back in New Mexico and am in the process of organizing a public forum to discuss the "proposed BIA initiative."

I wish to thank Senator BYRD and Senator MCCLURE for their support of this amendment, and I commend it to my colleagues.

I also note, Mr. President, that I have joined as a cosponsor to Senator MELCHER's amendment to delay final implementation of regulations relating to the Bureau of Indian Affairs Higher Education Grant Program. By joining Senator MELCHER, I agree with him that Congress should review the effects of the proposed changes and make clear that postsecondary educational opportunity for Indian students will not be undone through regulations.

Mr. President, I believe this amendment has been cleared by both the majority and minority sides. I, therefore, urge my colleagues to adopt the amendment. I believe it will bring a more responsible course of action from the BIA than we have seen to date. I believe this amendment is currently reasonable.

EXHIBIT 1

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, May 20, 1987.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: This is a follow-up to my letter of April 2, 1987. I am forwarding to you answers to the questions raised in your letter of March 17, 1987.

It is my desire to improve the quality of Indian education and put forth my initiatives with this single purpose in mind. Hopefully, the answers to these questions will allay any misunderstanding about my initiatives.

I hope the delay in answering these questions have not inconvenienced you.

Sincerely,

ROSS SWIMMER,
Assistant Secretary,
Indian Affairs.

RESPONSE TO SENATOR BINGAMAN

Question 1: How do you define the federal responsibility for Indian education?

Answer: The Synder Act of November 2, 1921, Public Law 65-85, authorized funds to provide for the general support of Indians along with other responsibilities to assure the welfare of Indian people. In carrying out this responsibility, the Bureau, in its mission statement for Indian Education (25 CFR Part 32), states as its goal the provision of comprehensive education programs and services for Native Americans as a function of the unique government-to-government relationship of Indian tribes with the Federal Government. The goal includes the provision of quality education from early childhood through life in accordance with the Tribes' needs for cultural and economic well-being, in keeping with the wide diversity of Indian Tribes as distinct cultural and governmental entities. It further states that the Bureau shall manifest consideration of the whole person within the family context. In carrying out its policy of Self-Determination for Native Americans, the Bureau committed to the facilitation of Indian control of Indian Affairs in all matters relating to education (25 CFR Part 33.2(a)).

Question 2: Some tribes, such as the Navajo, have education defined in their treaty as an obligation the federal government will carry out on their behalf. Has the Bureau and/or the Solicitor's Office distinguished and analyzed the proposal in light of direct treaty language? Do you plan to, and if so, how? How do you feel such language would influence your proposal?

Answer: Again, the Synder Act of November 2, 1921, (25 U.S.C. 13) is the basic authority under which the Secretary provides services, including education, to Federally-recognized Indian tribes. In carrying out its policy of self-determination for Native Americans, the Bureau is committed to the facilitation of Indian control of Indian Affairs in all matters relating to education. We have determined that this initiative is entirely consistent with the existing law and should not be construed as the aberration of Indian treaty rights, or federal responsibility to provide education services to the Indian tribes.

Question 3: Your handout on BIA budget intiatives makes reference to the Gould Report by a statement that "the quality of education on this reservation is poor" and "school administration is badly fragmented." Yet, this report also states: "Parents on reservations are particularly incompetent" and "The reservation is virtually a community of alcoholics". According to New Mexico educators, this report does not accurately portray Indian education and has little credibility among them as a basis to justify change.

Consequently, what other reports or proposed reports do you have in mind to assess and determine the more precise state of Indian education? How would you include the input and participation of tribal governments, tribal educators, state representatives, and local school districts? If you answered no to my initial question, why didn't the Bureau conduct a study or plan that would focus on such key issues as governance, funding, educational program content, and facilities?

Answer: We have met and talked with state leaders to explore their willingness to provide an alternative delivery system if tribes opt not to contract. We have met across the country with many tribal leaders to discuss the various BIA initiatives. The points raised in those meetings are already becoming part of the initiative. In addition, we are pursuing a consultation program that will continue to seek tribal involvement. The initiatives were a result of a widespread belief that change is needed in Indian education. This initiative was proposed as part of the BIA's fiscal year 1988 budget request in order to allow time for consultation before implementation. Because the initiatives are part of the President's budget request, certain restrictions are placed on the release of budget details until the President delivered the request to Congress. The FY 1988 budget request was released on January 5, 1987. Since that time, we have met individually and in area meetings with tribal leaders across the country. We have sent numerous letters to tribes, held press conferences, and briefed Congressional members and staff. The BIA has no plans to conduct further studies.

Question 4: How do you know that you are doing such a bad job in educating Indian children? Is this based on any qualitative and quantitative data to measure the academic progress of Indian children (apart from the Gould report and the McGraw-Hill test scores)? Please explain.

Answer: In some public schools, Indian students academically outperformed their counterparts in BIA schools, as evidenced by the 1985 McGraw-Hill study of Indian students in New Mexico. In other schools, the BIA students outperform their counterparts in public schools. More importantly, improvements in Indian education are needed in every system. Differences in academic performance, however, are not the main justification for this initiative. We think student's tend to perform better when the local community assumes more responsibility in the management of the school.

Question 5: If a tribe chose to enter into an education contract with the state, it obviously changes the tribe's relationship with the state on many levels. What analysis, if any, has been done to look at the possible implications, such as applicability with other federal statutes, land title and transfer questions, maintenance and construction of facilities, transportation costs, and the like? If no analysis has been done, will the Bureau conduct such an analysis? If so, when might you begin and complete this analysis? Will the tribes and the states be involved? If so, how?

I have read that the BIA wants tribes to contract schools or enter into "cooperative agreements" with states. What is a cooperative agreement?

Answer: We are aware that we will need to review many items prior to the implementation of any initiative. Prior to entering into a contract with any organization other than a tribal organization under Public Law 93-638, we will perform the necessary analyses to determine the entity best able to provide the services. This activity will occur throughout Fiscal Year 1988. A cooperative agreement is an arrangement whereby a school is operated jointly by a state school district, tribes and/or the BIA under specific terms which are mutually agreed upon. Shared facilities, programs, personnel, support services or division of grades are generally the basis for such an agreement. A cooperative agreement is cost effective and creates good community relations.

Question 6: In a letter of January 28 addressed to you from Alan D. Morgan, State Superintendent of Public Instruction for New Mexico, he expressed that "the proposal was conceived without benefit of discussion with the affected entities, including state education officials from New Mexico." He further stated, "I am reluctant to take a position on this matter until the State Board of Education, the tribes, Governor Carruther, and other state agencies have been consulted and provided full information." Clearly, the states will need to be informed of the details and costs of your proposal. Other than a state forming its own task force to study the matter and to be a liaison for your office, as New Mexico is planning to do, what will you do to keep a state informed and involved? Also, as Mr. Morgan's letter states, he will not make any decision regarding the state assuming contract responsibility until both the State Board of Education and the New Mexico tribal governments are consulted and involved. How will you assure him that this will happen and in what way will these two groups be involved to address his concern?

Answer: We have met individually and in area meetings with many tribal leaders across the county to discuss the various BIA initiatives. In addition, meetings have been held with state leaders to explore their willingness to be an alternative delivery system if tribes opt not to contract. The points raised in those meetings have become a part of the initiative. As mentioned before, we are developing a consultation program that will continue to seek tribal involvement. We, of course, cannot and will not attempt to impose on states or others the obligation to operate BIA schools. The remainder of FY 1987 will be devoted to consulting with Indian tribes and organizations in order to develop a detailed tribal plan of action for this initiative.

Question 7: There is a better than fifty percent chance that a state will decline to accept Bureau or contract schools within their system, either due to lack of funding, lack of adequate facilities, lack of staff, or a lack of any definite plan. What happens at that point? Please describe. And who is then responsible for education of those Indian children. The Bureau or the tribes?

Answer: In all instances, the Bureau recognizes that it has an obligation to provide a good education for Indian children within its responsibility. One option may be for the Bureau to enter into an agreement with an independent school system. If this is not possible or desirable, the Bureau would continue to fund and operate the school. The Bureau would ensure that an education program is made available to eligible Indian students. We hope, however, that the tribe would assume an integral role in the operation of any education program serving its members.

Question 8: There may be an equally good chance that the tribe will decide against transfer of BIA schools either to 638 status or to the public schools. In that case, what is the Bureau's position? Will this option for maintaining the status quo be available to the tribe? Or will the Bureau unilaterally decide for the tribe what will be the educational arrangement? What redress is provid-

ed for the tribe if it disagrees with the Bureau?

Answer: The purpose of our proposal to contract the management of BIA schools is this: local control of a school is essential to the creation of an environment that fosters academic and cultural growth among its students. We believe this growth will be enhanced if schools are managed by local people rather than far-removed policymakers in Washington, D.C. Public Law 93-638, the Indian Self-Determination and Education Assistance Act, gives Indian tribes and Indian organizations the right to contract BIA services and thereby bring about local control. Under the initiative, we are proposing that management of BIA schools be transferred to local tribal governments. Federal funding for the schools will continue but management would move from the national level to the local level. In some cases, tribes may decide not to contract the local BIA school. The BIA would seek to provide for the education services by the best means available. This could involve an agreement with the state, local school or an independent school system or other entity that might be appropriate. Finally, the BIA would encourage cooperative agreements between BIA, tribes and the public school system. In the last analysis, if the tribe will not contract to operate their school—if they insist the Bureau must provide the education for the children, then it is the Bureau's obligation to provide the best education it can. In some cases the best may be a Bureau-operated school. The Bureau is committed to carry out its responsibilities.

Question 9: What is the time frame for your proposal? Do you have a date by which tribes have to initially respond by? Will you please describe and outline the steps required in order to effect a transfer, either to the state or to the tribe, or to maintain the status quo? If you are unable to answer these questions with any specific dates, what are your general target dates? May I have a copy of the general time line that the BIA develops?

Answer: Fiscal Year 1987 will be devoted to consulting with Indian tribes and organizations in order to develop a detailed tribal plan of action for this initiative. The Bureau anticipates that all elementary and secondary schools whom the tribes intend to contract would be contracted by the school year beginning in the Fall of 1989.

Question 10: My fear with your 638 contracting option is that tribes are having enough difficulties surviving under that process. If a tribe chose to undertake a school under a 638 contract, what will be the indirect cost rate? What if a tribe started pursuant to a 638 contract, but was then unable to continue? How would the BIA assist the tribe, if at all? Would the 638 contract revert back to the Bureau, and if so, how and under what arrangements would the Bureau plan to continue that school?

Answer: All Bureau of Indian Affairs contracts receive some form of administrative support. This rate, of course, varies from tribe to tribe. The Bureau through the Indian Self-Determination and Education Assistance Act has the authority and procedures to reassume a 638 contract. If that were to occur, the Bureau would ensure that an education program was made available (See 25 CFR Section § 271.71 through § 271.77). This education program could be operated by the Bureau or through another arrangement, such as with a public school district. Each case would have to be reviewed individually. The Bureau would provide for the best quality education program available.

Question 11: You have stated your overall proposal is prefaced on improving Indian eduation. How will the Bureau monitor that this is being achieved by schools that are 638 or state contracted? What educational/academic standard will be used? If the Bureau has no standard, then it is a standard proposed by the tribe or by the state? What about any enforcement of that standard—whose responsibility is that?

Answer: The BIA will maintain oversight over all programs and monitor the contracts for compliance in accordance with applicable contracting requirements. In consultation with tribes, contracts will be developed to ensure that the academic and cultural needs of Indian children are met. Through contract monitoring, strict adherence to the negotiated contract will be enforced. In fact, the BIA will retain staff in the field to monitor the contracts.

When schools are not properly operated according to the negotiated contract, the BIA will have several options to bring contractors into line with the defined standards. These options include: (1) to provide technical assistance to help bring the contractor into compliance; and (2) to revoke the contract and enter into an agreement with another contractor.

Presently, Bureau-operated schools have elected school boards that usually are comprised of parents and/or community members. The school board provides the majority of local involvement. Nevertheless, final decisions on policy and operations in Bureau-operated schools can be appealed to the BIA's central office in Washington, DC. If a tribe decides to contract, the tribal council immediately becomes involved, along with its education committee and its education staff. The tribe must stay involved at all levels—both at the council level and the community level—to ensure that the contract is awarded and implemented. This ownership of a community school goes beyond having only the school board involved. A contract school becomes the education focal point for ensuring local input and control.

Question 12: All the Indian tribes in New Mexico have gone on record against your proposal, a state memorial was introduced in the New Mexico legislature against it, and the State Department of Education has expressed its reservations about it. By using the budget process to push your proposal, it appears you have alienated all significant parties. In order to bring a working group together to work toward improving Indian education, would you welcome a Congressionally-authorized task force to study the ways of improving Indian education? Please explain. If not, what do you propose as an alternative? Please explain.

Answer: The aim of the Bureau's initiatives is to improve the quality of Indian education. We welcome the input and participaton from Congressional and any other sources in our effort to move toward this goal. We do not believe, however, that it is necessary to convene a Congressionally authorized task force in order to study ways of improving Indian education.

We are meeting with tribal government representatives, tribal organizations, and interested individuals to discuss not only the initiatives but also ways to improve the Bureau's education program. This effort is currently under way and will continue throughout the summer. In addition, we are continuously reviewing our regular and supplemental education programs in order to improve our delivery system. Through our school board training project, we provide school board members the opportunity to receive training which will assist the movement of schools toward quality education programs. The Bureau also has convened task forces and work groups to explore academic programs, gifted and talented projects, professional development programs, and other administrative concerns, such as personnnel, funding, and procurement. The Bureau is continuously searching for ways to improve its education system.

Mr. CHILES. Mr. President, we have looked over the amendment. I do not think we have any objection to it. I think it has been cleared on our side.

Mr. HATFIELD. Mr. President, we have yet to clear it on our side.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, prior to the time that you assumed the Chair, I had made a speech regarding an amendment I offered which is pending at the desk concerning an additional $100 million being authorized in this supplemental for the next fiscal year beginning October 1 for summer youth employment in which I had taken that $100 million from the World Bank funds in connection with a severance pay at $200,000 a head for 390 World Bank employees. I was going to give $1,000 to kids that are starving and want jobs and take $200,000 a head away from 390 World Bank people.

An objection was made by the managers originally that my language was unacceptable in the amendment because it amended a section amended on a prior occasion. I now understand that, while that would be technically correct and we will agree it is technically correct, the probabilities are that in a moment that the managers will withdraw that objection so that we can go to the fundamental issue on my amendment without redrafting the amendment which would cause a lot of time to be expended and would ultimately result in a very convoluted amendment from the standpoint of the language.

I believe as soon as the distinguished manager on our side returns, Mr. President, my friend, the ranking manager, having already given his approval, that we can proceed on the merits. I see the distinguished manager appearing now. Should that be the case, I would like to make some brief remarks before another objection is raised, Mr. President.

Do I have the unanimous consent to waive any objection on the language on the technical aspects of the amendment?

Mr. CHILES. Yes.

Mr. DIXON. I thank very much my friend, the manager on our side, and the ranking manager. I understand the objection on the amendment's language has been now withdrawn.

May I ask how much time I have, Mr. President?

Mr. CHILES. Did the Senator ask for unanimous consent?

Mr. DIXON. I had asked for unanimous consent and understood it was granted.

The PRESIDING OFFICER. The Chair is unclear as to exactly what the unanimous-consent request is.

Mr. DIXON. Mr. President, I now understand it is agreed by the managers that the amendment is in order.

The PRESIDING OFFICER. First, the Chair would like to say to the Senator from Illinois that we are now on the amendment offered by the distinguished Senator from New Mexico. That is the pending amendment at this point.

Mr. DIXON. Mr. President, I ask unanimous consent that we may set aside the pending amendment by my distinguished colleague from New Mexico, which is being discussed at this time, and revert to my amendment previously offered.

The PRESIDING OFFICER. Is there objection to setting aside the amendment of the Senator from New Mexico? Hearing none, it is so ordered.

Mr. CHILES. Mr. President, I wanted to say to my good friend from Illinois, my understanding was—so that we are clear—that the point of order was going to be waived or the Senator was going to ask unanimous consent that his amendment be in order, that portion of the amendment which amends part of the text that has already been amended, which would, therefore, be subject to a point of order, that his amendment would be in order for that. I do not think he was asking that it be in order on the budget point of order.

Mr. DIXON. My friend is correct.

Mr. CHILES. Because that is the point. I just wanted to make sure the unanimous consent does not include that. I think we were in agreement I would make that point when his time has expired.

Mr. DIXON. May I say, that is correct.

The PRESIDING OFFICER. The Chair would like to say to the Senator from Illinois that when the amendment fell on a technical point, the Senator from Illinois had 14 minutes 33 seconds remaining. The manager had 29 minutes 19 seconds remaining.

Is there objection now to that amendment being considered? Is there objection now to that amendment being in order at this time?

Without objection, it is so ordered. Who yields time on the amendment?

Mr. DIXON. Mr. President, I would like to proceed very briefly now on the amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. I understand the amendment is in order. The distinguished manager will proceed at some point in time, Mr. President, to raise a further objection to this amendment on budgetary grounds. At that time, I understand, and he may want to express a different view, the objection will be that while I am taking $100 million from the World Bank at $200,000 per head for 390 employees for severance pay and giving it to disadvantaged youth in America, that it is the position of the General Accounting Office, or somebody, that from an outlay standpoint, the outlays would not take place for the World Bank in the same years as the outlays would take place for the disadvantaged summer youth.

I think that is an oversimplification of what my friend the manager will suggest at that time when the opponents are heard.

First, may I say that Senator HEINZ of Pennsylvania would like to join me as a cosponsor, along with Senator METZENBAUM of Ohio. Senator RIEGLE of Michigan and my friend Senator BINGAMAN of New Mexico would like to join as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I realize this is somewhat complicated; the whole budgetary process is. But I want to make it this simple for everybody so that they ultimately understand it: Sometime, if not in this next year, in the next out year, but sometime soon, under this supplemental, Mr. President, this bill, we will authorize the payment of $200,000 per head for World Bank employees in severance pay, bankers that have big jobs, a lot of them driven around in limousines, with superpensions. Sometime, maybe under the gobbledygook of the budget process, and it is gobbledygook, sometime we are going to give $200,000 per head to banker-type people who do not need the dough. If we do not adopt this amendment, Mr. President, we are going to deny hundreds of thousands of kids in this country who are disadvantaged summer jobs, 8,000 of them in the city of Chicago and in my State.

I just want that understood.

You can cut this baloney any way you want. Somebody we do not known, some obscure person never elected to public office with a green eyeshade somewhere, is saying that for some reason they are going to be able to cop out this $200,000 apiece for World Bank employees who are bankers making all kinds of money and deny summer jobs to kids of America.

This is crazy.

This year, we are spending $700 million for these summer kids. The year after next we are again spending $700 and some million for kids. But for this year, and I do not know who figured this out, we are spending $100 million less for those same summer kids. Why? It is not because those jobs are not needed, Mr. President. You can see them standing on every street corner in America wanting jobs. No matter how you do it, no matter how much you talk about authorization and budget outlay, believe me when I tell you this, and everybody in America knows it is so, those World Bank people are going to get 200 grand cash for nothing, and all these kids want to do is work.

So, I say to you, I am going to need 60 votes on this, Mr. President, because of the goofy process involved, and because some person someplace with a green eyeshade on his brow said something. I understand all that. Those kids' bellies are going to be as empty, and those World Bank employees are going to be as fat. You understand, Mr. President. I can tell you. You have a hungry day or two in your life, I will bet.

All I want to say is it takes 60 votes to take $200,000 from World Bank people and put a little food in the bellies of hungry kids. I hope I can get 60 votes on that. Sometime, Mr. President, when it is all over, I hope I find the guy with the eyeshade that makes these rulings that gives $200,000 to the rich and takes summer jobs from hungry kids.

In the meantime, I tell my colleagues in the Senate, everybody who wants to give $200,000 to World Bank employees vote no; anybody who wants to give a little food to hungry kids, vote aye later on this evening.

In the meantime, I want to thank my friends, the managers, for waiving another technical objection that did not mean much either, so that we can eventually vote on the question of whether these kids get jobs, Mr. President. If they get the jobs this year, the year after this they will get a job, but for some crazy reason I do not understand, when they vote on this bill they take them out of the jobs for this coming summer, 8,000 in Chicago, hundreds of thousands in America. They would certainly thank everybody if they take the money away from the rich bankers and give it to the poor kids. I want to thank the Presiding Officer.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, I yield back the remainder of my time unless there are some kind of objections on

the other side. That will save us some time.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time runs equally on both sides.

Mr. CHILES. If the Senator from Illinois is prepared to yield back his time, I think we will yield back our time.

Mr. DIXON. If there is no further discussion at any time, Mr. President—do I understand there will be future discussion, a brief discussion, at the time the amendments are voted on later this evening? I do not understand what the process is.

Mr. CHILES. I do not think there is any time set aside. There will just be automatic votes beginning at 5 o'clock.

Mr. DIXON. Then I want to thank my distinguished friends, the manager and the ranking manager for their cooperation and consideration of my request. They have been very kind. I do, Mr. President, yield back the remainder of my time.

Mr. HATFIELD. I want to make just one remark. Have I any time?

The PRESIDING OFFICER. The managers of the bill have 28 minutes 9 seconds.

Mr. HATFIELD. I yield myself 2 or 3 minutes.

Mr. President, I want to share the general reservation the Senator from Illinois has expressed concerning the subject matter of his amendment. I certainly empathize fully and am very supportive of the essence of the amendment and the program that it represents. But I would only have to say to the Senator from Illinois that his amendment is an example of precisely what the Gramm-Rudman-Hollings amendment to the Budget Act developed. It creates this situation.

We have not, in the appropriations process, created obstacles nor have we attempted to frustrate Senators from offering amendments to be decided on their merit and argued and debated out on their merit. But I would have to remind the Senators after the many years we did function here on the Senate side in the appropriations process against budget authority. Now as a consequence of the amendments to the Budget Act, to which I have referred, we are having to measure every amendment against the measurement of budget outlay.

Mr. DIXON. Will my friend yield, Mr. President?

Mr. HATFIELD. Yes; I yield.

Mr. DIXON. Mr. President, just for the edification of the people of America, who probably wonder how this place could be so fouled up, I ask my friend a question. He is the distinguished ranking member of the Appropriations Committee, whom the rest of us have great respect for. If I understand this correctly, in the next fiscal year, beginning October 1, my amendment providing an additional $400 million for summer youth, kids who need jobs, would be a budget outlay for that year but in fact, the $200,000 apiece for the fat cats of the World Bank may not be spent as an outlay next year. Is that what the green eyeshade man says?

Mr. HATFIELD. If I understand it correctly, it will add to the outlay of the current fiscal year, 1987. This is a supplemental to the current fiscal year.

I also add that the Senator is aware that we are, at this present time, over $13 billion in excess of the cap established when we set the continuing resolution into operation last fall.

Mr. DIXON. What I am trying to find out, if I may say so, and I do understand that part, is are those who are raising this objection—I understand the difficulty the managers have. I hope the Senator understands that I am sympathetic. The problem is as much his as mine or anybody else's. So I am not railing at him and I hope he understands that.

But he is saying while the outlay will take place in this year for the kids, it will take place next year for the fat cats. The money is still going to get spent. America should understand that. The fat cats will still spend it.

Mr. HATFIELD. I still do not in any way differ with the Senator on his observation of the importance of this program, our summer youth program, and the inadequate funding of that program as we may measure it against the need. I am merely commenting that we are now in a constraint, through the amendment that the Senate and the House adopted some time back.

As a consequence, let the Senator also be aware that the whole supplemental bill is vulnerable to the same point of order, because we did not have the offsets to offset the outlays that we have represented in this bill. As the Senator knows, we tried a vote on a budget waiver to bring this bill to the floor and that failed. We are now in that situation where the bill is before us, vulnerable as it is. At any point in time, any Senator could raise a point of order against this entire supplemental. But also, until that is raised, any amendment is vulnerable as well.

We are hoping that we do not make a number of amendments that will then raise a point of order against the entire bill. I just have a very strong feeling that if we can put this bill through pretty much as it is, there will not be a point of order raised against the entire bill, hopefully, and the White House has already indicated the President will sign this bill.

Mr. DIXON. May I say to the distinguished ranking manager if my amendment fails, that $200,000 to those 390 World Bank employees, who do not need it—and I think most Americans will agree with that—is still in this bill. I think at some point in time later on, we ought to talk about that. Because if we make the case to America that we are doing the right thing around here, I can think of a lot of Illinoisans who are going to ask why we are giving 390 people, none of whom I know, $200,000 each.

Mr. HATFIELD. The Senator is quite correct in this fact that he could add an amendment to strike anything in this bill as well as add anything. For that matter, the Senator could offer an amendment to strike, so any part of this bill is open to any amendment either by deleting or by adding. He can raise that point for discussion at any time he wishes.

Mr. DIXON. May I ask the distinguished manager this: I thought we were on a unanimous-consent list, of which the Senator's amendment was one, a list of amendments on the unanimous-consent list.

Mr. HATFIELD. The Senator is right.

Mr. DIXON. Is the Senator saying to me when we dispose of the unanimous-consent list, there will still be further opportunities to amend this bill?

Mr. HATFIELD. Yes.

Mr. DIXON. I am delighted to hear that. I want to say if I am defeated, I shall weep for the hungry kids of America who are hurt by the procedure, but I shall still come back to the $200,000 apiece from the 390 people.

Mr. HATFIELD. The Senator has not yielded any of his rights by offering this amendment.

Mr. DIXON. I thank the Senator.

Mr. CHILES. Mr. President, does the Senator wish for the yeas and nays on his amendment?

Mr. DIXON. I thank the manager. I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CHILES. Mr. President, I raise the point of order under section 311 of the Budget Act that the amendment is not in order.

Mr. DIXON. I move to waive the Budget Act, Mr. President.

The PRESIDING OFFICER. The point of order has been raised. Does the Senator from Illinois make the motion to waive the Budget Act?

Mr. DIXON. I do.

Mr. CHILES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to waive the Budget Act? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the vote on this budget waiver be stacked with the

votes to begin at 5 o'clock on behalf of the Senate leadership, not the bill.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request that the vote on the motion to waive the Budget Act be postponed and stacked with the other votes to occur beginning at 5 p.m.? Without objection, it is so ordered.

AMENDMENT NO. 221

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from New Mexico [Mr. BINGAMAN].

Mr. BINGAMAN. Mr. President, I ask unanimous consent before we conclude debate on the amendment I have offered, that my colleague [Mr. DOMENICI] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment offered by the Senator from New Mexico? If not, the question occurs on the amendment offered by the Senator from New Mexico.

The amendment (No. 221) was agreed to.

AMENDMENT NO. 218

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Ohio [Mr. METZENBAUM]. Is there further debate on the amendment offered by the Senator from Ohio?

Mr. HATFIELD. Mr. President, again I make inquiry of the Chair, has the Chair been informed on the matter of the Budget Committee's determination on the outlay impact of this amendment? That is why it was set aside originally.

The PRESIDING OFFICER. The Chair has been advised that the amendment of the Senator from Ohio would cause an increase in the aggregate level of outlays, in violation of section 311.

Mr. HATFIELD. May I inquire further, as I understand the description of this impact by the Chair, the amendment then would be subject to a point of order?

The PRESIDING OFFICER. The Senator is correct. The amendment would be subject to a point of order under section 311(a) of the Budget Act.

Mr. JOHNSTON. Would the Senator yield?

Mr. HATFIELD. I am happy to yield.

Mr. JOHNSTON. I have just been advised by staff that Senator METZENBAUM'S staff is working with CBO and would like the matter to be set aside for a short period of time so we can see if that ruling is final or if we can renegotiate.

Mr. HATFIELD. Mr. President, I would have no objection. The Chair put the question to us on the matter of the Metzenbaum amendment without the information having been made available at least to the minority side.

I would not want to foreclose the Senator from Ohio reaching some kind of accommodation with the Budget Committee on the scoring of his amendment. Also, if that is not possible, I would think that the Senator from Ohio should be on the floor in order to make a motion to waive the Budget Act, if he wished to do so, because that would be his right. I am not in any way attempting to foreclose anyone's right. I merely wanted to make sure that we had received information and, therefore, I would ask unanimous consent that the amendment by the Senator from Ohio [Mr. METZENBAUM] be temporarily laid aside for consideration of other amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I ask unanimous consent that an amendment that I have be in order now.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 222

(Purpose: To amend the fiscal year 1987 supplemental appropriations bill to impose a moratorium on the approval and issuance of oil shale patents)

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] for himself and Mr. WIRTH proposes an amendment numbered 222. At the appropriate place insert the following:

Notwithstanding any other provision of law, no oil shale mining claim located pursuant to the General Mining Law of 1872, as amended (30 U.S.C. Sec. 22, *et seq.*, 17 Stat. 91) shall be eligible for patent, nor shall any oil shale patent be issued, after the date of enactment of this provision, until Congress directs otherwise. This provision shall not apply to Patent Application Serial Nos. C-012327 and C-016671.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I am offering this amendment to impose a moratorium on issuance of any patents except the two identified on outstanding oil shale claims on Federal lands.

These are some oil shale claims that cover approximately 270,000 acres in Colorado, Utah, and Wyoming.

The reason this amendment is necessary is simply this: The Department of the Interior had a self-imposed moratorium which ends on June 1, 1987. After that time, Interior plans once again to begin processing oil shale patents.

Simply put, Mr. President, I believe that is very unwise on the part of the Department of the Interior, and this amendment will stop their actions until Congress acts on this matter.

Let me explain what this is all about. In 1872 the mining law was adopted by Congress and it said if you can locate a valuable mineral you can file a claim, anybody, any citizen, and if you show that you have done some work to get at that valuable mineral to produce it, then you can eventually get full title to the land. How much land? Generally speaking, under the 1872 mining law, that was about 20 acres of land per claim and if you did the necessary work each year for a series of years, generally about 5, 6, 10, sometimes it stretched out to 15 or 20 years, to get at that valuable mineral, and then if you could demonstrate that you could produce that valuable mineral for the benefit of the country you receive full title to the land on the oil shale.

In 1872, nobody thought that there was any value to oil shale lands, but a few years later prior to 1900, some people got the idea you could extract oil out of oil shale and, therefore, let them claim it. There were thousands of claims made out in Colorado, Wyoming, and Utah, by people who said they wanted to develop oil shale land and they were going to produce a valuable mineral—oil.

Nothing happened, even though there were thousands of claims until over a period of time somebody else bought up those claims from the individual citizens who initiated a specific oil shale claim.

In 1920 Congress did the right thing and said well, oil and gas is different, it is a very valuable mineral, but rather than having a claim under the 1872 Mining Act the lands that people wanted to explore and develop oil and gas from would not be subject to that act, the 1872 act, but would be subject to this new law, and you would not get title to the land. All you would get is the right to explore and develop and the land itself would remain under title to the United States; in other words, it is still part of the public domain and we all as citizens own it.

The 1920 act, however, did not go back to these old oil shale claims and say, well, your claim is no longer any good under the 1872 act. It just left that point open. Perhaps that was a mistake on the part of Congress in 1920 and since then because what happened to those thousands of oil shale claims filed by individuals from across the country who thought they might develop something worthwhile, they

were willing to take some risk and make some efforts to develop it. Those claims were bought up by oil companies. They bought them up and found the individuals and they said, "Are you willing to sell your oil shale claim?" And the typical individual said, "well, it has no value; let us see where that paper is."

So they were bought up for little or nothing. Some of them might have had some value paid for by an oil company.

The oil companies have in these oil shale claims then approached the Department of Interior and said, "We want to do whatever is necessary so that we can have title to the land; in other words, the patent to the land."

It was litigated for years, 50 years, as a matter of fact. And the judge out in Colorado said, "Well, they have some claim there and maybe they are right," and issued a finding that several of these companies were right and perhaps they had done everything that was necessary and therefore they should have title to the land.

Mr. President, I mean no disrespect to the judiciary and to this particular Federal judge who made this finding, but to put it bluntly, I do not agree with his finding at all. I think his ruling was wrong. I believe as thousands of other people in this country believe who have been following this tortuous series of cases that were brought during the past 50 years, like thousands of other people who have examined them, I believe that this land ought to remain property of the U.S. Government and that, if oil shale is going to be developed, it has to be developed on terms and conditions established by the Interior Department now.

The solicitor for the Interior Department decided on his own that he would not appeal this case to take it up to the Court of Appeals, the Supreme Court if necessary; he would just let it go and advise the Secretary of Interior to go ahead and issue the patents, that is, give title to the land on the basis and the criteria that have been established by these oil companies.

What would the oil companies pay? Well, there is the rub. They paid $2.50 an acre—$2.50 an acre. Now, admittedly, that is not a fair price for this land, but that is what the 1872 Mining Act and any amendments thereto left it at—$2.50 an acre.

When the Department of the Interior decided some 6 months ago to impose a 6-month moratorium on any further consideration of granting title to the oil companies for this land, it did so to give Congress a chance to look at it and see whether they wanted to pass new legislation. I suspect that perhaps 6 months was not long enough, because the subcommittee that would consider this matter I now chair. And while I have every intention, and have so notified the Department of the Interior and anybody else that requested it, to indeed open hearings this summer on this point, perhaps I could be accused of being dilatory.

Well, I think maybe there is some credibility to that, because, frankly, I believe we should have set up the hearings for sometime this spring. So I plead guilty to being slow. But the hearing will be this summer and out of it I expect legislation to be developed to handle this problem.

What I would seek in that legislation would be to establish a system whereby the 1872 mining law would be lived up to. Because there is an obvious feature, an obvious part of the 1872 mining law that really has not been met in this instance, and that is the requirement under that old law that you have located a valuable mineral. Oil is valuable. But the second part of it is that you can demonstrate that you are going to produce that valuable mineral to be used by the public in the public's interest. And that is a part that has not been met. No one has demonstrated that this valuable mineral, oil, will be produced out of oil shale to be available for the public good; in other words, be on the market.

If we could do that, under the current economic conditions, I think there would be some merit into going ahead and saying to these oil companies: "Boy, that is good for the country. Produce some more oil."

There are some pilot plans that have been attempting to do this and they can successfully extract oil from oil shale. The problem is it costs a lot of money. I am not sure what it costs because figures vary, but I suspect that it costs more than $100 a barrel to produce oil out of oil shale. Well, that is not marketable. That is not merchantable.

On that point, I do not understand why the solicitor for the Secretary of the Interior said that the 1872 Mining Act seemed to have been complied with. As a matter of fact, I do not understand the Federal judge's interpretation of the act that says go ahead and issues the patent or title to the land to these oil companies because they have complied with the law. I do not think that case has been made at all.

There is one other point. Not only must they produce the oil from the shale but, under subsequent law that has been passed by Congress and must be complied with, they are going to have to demonstrate what they are going to do with the oil shale refuse that is left over. What happens to that? Is it just going to be piled up in huge piles bigger than this Chamber? Have they got some useful purpose for it? That has not been demonstrated yet.

So, on those two points, I believe we do need some legislation. I think it is appropriate that the Energy Committee, and in particular the subcommittee on which I serve and Chair, should address that problem. And so I approach my colleagues here in the Senate with some trepidation on this amendment, because it clearly demonstrates that the facts are that we ought to be taking care of this in the appropriate committee as an authorizing committee and to develop the solution there rather than coming to the floor on an appropriation bill and say, "Well, nothing is going to be done until Congress acts."

Having admitted all of that, I can tell you Mr. President, that the best solution we have at this moment is just to adopt this amendment and to hold it in abeyance until we have acted properly on it.

I hope that there will be serious consideration by all Members of the Senate looking at this, because of the public policy that ought to be addressed and it is public land that belongs to all of us in this land and we want to treat it right and to do the proper thing with it.

And the two points that I mentioned—I do not believe the oil companies can comply with the 1872 act—that is, have they done the proper amount of work, which is doubtful, to comply with the act, and, second, have they demonstrated that they can produce this valuable mineral—that is, oil—and make it commercially available for the public good of all of us here in this country? They have not so far because the cost is so great that nothing looks practical.

The third point, which has nothing to do with the 1872 act, has to do with subsequent laws that we have enacted and put into our laws; and that is, what are you going to do with all of this land that you have disturbed? After you have worked through the shale, what is going to happen to the refuse; that is, the land itself? That has to be clearly demonstrated, also.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from Wyoming.

Mr. WALLOP. Mr. President, I rise to oppose the amendment of my friend from Montana. There are a couple of good reasons why the amendment should not be enacted. Those reasons are both procedural and substantive.

Procedurally, beyond any doubt and beyond any question, this is legislation on an appropriations act. And it is, in fact, the statement in the Dear Colleague letter of the Senator from Montana that it is legislative action that must be taken. It was the letter

that Senator MELCHER and Senator WIRTH wrote on the 26th of May.

But, further, the amendment places an indefinite moratorium on any further activity with respect to unpatented oil shale claims, including the eight pending patent applications. This moratorium would last forever, or until or unless Congress were to subsequently enact some unspecified legislation and some unspecified criteria. There is no reason why people who hold legitimate claims should have to be punished by the Senator from Montana's amendment.

This is a matter for the proper committee of jurisdiction, the Energy and Natural Resources Committee, as the Senator has said, on which the Senator from Montana serves, and its subcommittee of specific jurisdiction, which the Senator chairs.

He rightly said, as well, that he could be charged as being dilatory for not having held a hearing on his own legislation, which was introduced early this year, in February. It is not because there has not been sufficient time. Clearly, there has been sufficient time to hold such a hearing.

In fact, that subcommittee already has that legislation pending before it, the same legislation introduced by the Senator from Montana and the chairman of the committee. No action has occurred on that legislation. There is no need, no imminent, ponderous, national threat which would require resorting to a floor amendment not discussed or considered by the Appropriations Committee.

There simply is no catastrophe waiting in the wings to justify this extraordinary avoidance of the authorizing committee.

Stripped to its essential, this amendment would place an indefinite moratorium on all oil shale claims until the Senator from Montana decides to consider legislation in the subcommittee which he chairs.

Would we all not like to be able to take on the law with which we found ourselves in momentary disagreement? This is not the way the process has worked traditionally around here and ought not to be the way the process begins to operate around here.

This is not the situation where a Senator has come to the floor on a matter of overriding concern because the supplemental is the only vehicle open to him. This is not a situation where a Senator has been denied consideration of legislation which he believes is critical to the welfare of the Nation.

If any consideration has been denied, it has been denied the Senator from Montana by the Senator from Montana.

Enactment of this amendment would accomplish just the reverse. It would allow the Senator from Montana to block any, and I would repeat any, legislation to undo the moratorium unless he were satisfied with it. He would be in a position to object that the process was being ignored, that there had been no hearings, that the proper subcommittee, much less committee, had been ignored.

It is a very artful position into which the Senator from Montana seeks to insert himself.

The substantive concerns are equally as great, which may explain the resort to offering this amendment here. Despite all the dire predictions we heard last year when the Tosco settlement was reached, there has been no rush to patent. There are only eight patent applications pending. I would like to emphasize that number—eight. Of those eight, only four have gone to final certificate and are likely to have patents issued in the near future. If this still sounds like a massive giveaway, let us focus on one of those claims, that of Frank Wineger. This application has now been in the process for 30 years.

Is it not as though judgment ever has been or is ever likely to be rushed into.

You may ask, why is an administration so bent on wholesale giveaways taking so long? Why, you may ask, is the crisis suddently here? The answer is that this claim was challenged, and challenged, and challenged. This claim even went to the Supreme Court. At long last, with a Supreme Court opinion, Mr. Wineger will get his patent. Why does Mr. Wineger not have his patent now, you may ask? Well the Department has had a self-imposed moratorium in place while they investigate how to deal with all the unpatented claims. Incidentally, all the other claims which went to the Supreme Court with Mr. Wineger now have their patents, not through any largesse from the Department, but because the applicants had to resort to mandamus. Can you imagine the scene up here if the Department of Justice decided on a self-imposed moratorium on paying claims it lost, or if EPA decided to initiate a self-imposed moratorium on enforcement actions? This amendment would put Mr. Wineger into yet another limbo.

Surely this is not the kind of justice our country has been famous for and rightly prides itself in the year of the 200th anniversary of its Constitution.

There is a simple element of fairness which the public has a right to expect from its Government and this amendment violates that element. Once to the Supreme Court should be enough.

Mr. MELCHER. Will the Senator yield at that point?

Mr. WALLOP. I will yield for a question without losing my right to the floor.

Mr. MELCHER. I thank my friend for yielding.

As my friend knows, we have exempted two patents that the Department of the Interior said they thought were meritorious. Is he suggesting perhaps the third one, which I believe involved 320 acres, the Wineger patent, should be exempted from the moratorium?

Mr. WALLOP. Mr. President, my answer to that question is absolutely not. Mr. Winger has been 30 years seeking this patent and has gone all the way to the Supreme Court, paid his legal bills, and is now entitled to it. Three hundred twenty acres seems scarcely likely to bankrupt the United States of America.

A second of the pending applications also demonstrates why this amendment should not be approved. The Department is challenging one claim on the basis of res judicata. This claim had previously been disallowed and there is now an attempt to resurrect it based on the latest court decisions. The Department has challenged that attempt. Whatever the merits of either side, this amendment would halt the Department's efforts. This does not sound to me like a department bent on trying to give away the public lands, but it would be interesting if the effect of the amendment were to prevent the Department that we now seek to restrain from challenging the claim and allowing it to be resurrected through default.

Mr. President, there has been a lot of rhetoric about the administration seeking to give away the public lands. There simply is no evidence to support the hysteria. There is no rush to patent. There has been no flood of applications. There has been, in fact, a totally illegitimate self-imposed moritorium which has only served to frustrate an applicant who won in the Supreme Court. The moritorium appartently did not apply to challenges to applications. The record of the administration, in fact, has been to process applications in exacting detail.

Mr. President, there is simply no reason for this amendment. procedurally, it is the worst form of legislation on an appropriations bill. I say again there is no emergency. I say again there is no imminent threat to be dealt with. I say again, there is not even the situation of the sponsor being frozen out from having his concern dealt with in the proper committee. Substantively, the amendment would invest the sponsor with a personal veto over the operation of law. It is almost unconscionable with respect to one application which should have proceeded to patent long ago, and it is counterproductive with respect to another which the Department is challenging precisely as the Senator from Montana would wish. A final concern would be whether the courts would consider this sort of permanent mora-

torum to be a legislative taking whenever the Department refuses to accept or process an application. There is a right which now exists which would be taken away by this amendment, not a very artful thing for the Senator to do. I submit that the cost of this amendment, if enacted, could be very high. If we are to attempt something like this, it should not be in this fashion or on this bill.

It should be after appropriate hearings. It should be in a circumstance which would not allow one Senator to determine the course of oil shale patents for the rest of time.

It should be through the committee process, which has had ample time to work, which has yet ample time to work because there is no rush to judgment, no rush to patent, and certainly no rush on the Department of Interior's side to approve. The emergency does not exist. It is, in fact, legislation on an appropriations bill. At the appropriate moment in time, Mr. President, I shall make that point of order.

Mr. MELCHER. Mr. President, I think my friend from Wyoming is absolutely right in this respect, that indeed, the committee should examine this situation and find out what needs to be done.

Second, I think my friend from Wyoming [Mr. WALLOP] is exactly right in saying to me, "Why haven't you done something about it prior to now?" I concede that. I admit that during the past 4 or 5 months, we should have started the process. I think we probably should have started it last year and the year before also, becaue what has been coming down out of this whole process has been something that officials and professionals in the Department of Interior are privately deploring.

What are they deploring? They are deploring the fact that under the 1872 mining law, through interpretations and judgments by courts, the law is not clearcut and therefore, the courts are making these decisions that it is all right to get some public land, get the title to it, for $2.50 an acre; if you have bought up some oil shale claims and have pursued through the courts as Tosco did in arriving at the decision that was rendered in the Colorado case, they should not be subject to the 1872 Mining Act.

The point my friend from Wyoming [Mr. WALLOP] makes about the Winegar claim, I think, has some merit. The amendment does exempt two claims where the patents have proceeded to the point where the Department of the Interior says they ought to be granted and should be granted. I think perhaps that also applies to the third one, the Winegar claim.

If, at the appropriate time, that would resolve the debate, I would certainly modify my amendment to include the Winegar claim because I think there is real merit, as the Senator from Wyoming has described, in not holding it up anymore.

As to what is happening in Congress this summer or the balance of the year, we will certainly get into it in the Energy Committee, a subcommittee I chair. I promise that. What will be the best wisdom in changing the statutes to take out the opportunity to gaining title to public land at just $2.50 an acre will depend upon my colleagues in the Energy Committee and by the balance of our colleagues on the Senate floor and in the other body also. But I think something is needed.

I think we need to hold up the process while that goes on. To the extent that the Winegar claim for 320 acres has been processed to the stage it has, I think perhaps the Senator from Wyoming is correct on that one claim. But I do believe that a moratorium, a delay, is necessary.

I point out to my friend from Wyoming that the Department itself imposed on itself a 6-month delay, a moratorium, without accepting any new processing of claims than they had in front of them at the time which, I believe, instead of eight, is about a dozen, if I am not mistaken. And there could be another hundred, I suspect. Perhaps that is too large a number; another score of claims will be started this summer and some of them involve thousands of acres.

That is what prompts me to offer the amendment. I do not think it is good public policy to allow thousands of acres of public land to be sold from the United States or title given for $2.50 an acre.

Mr. President, I am about to yield the floor. Before I do, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I rise to oppose in the strongest terms the amendment offered by the Senator from Montana. The amendment before the Senate is neither urgent nor necessary. It should be ruled out of order on this urgent supplemental appropriations bill. In the 12 years I have been in the Senate, if there were ever a clear case of legislating on an appropriations bill, this is it. The Senator from Montana has introduced a bill which is nearly identical to this amendment. To date, as subcommittee chairman, he has held no bearings on this own bill, and no substantive action has been taken by the authorizing committee. This puzzles me because normally, in the time I have been here as a member of the Appropriations Committee for the last decade, when someone comes to the floor and tries to authorize on an appropriations bill, the excuse is that their subcommittee chairman has not held any hearings, it is being bottled up in committee, and this is their only alternative. That is what puzzles me about the Senator from Montana. He is the subcommittee chairman. He can schedule hearings. He can move his own legislation.

I think this is the first time in my career I have seen someone come to the floor and authorize on an appropriations bill when he was chairman of the subcommittee or full committee, in full control of the process, then tell us this is urgent. So on a procedural matter, it makes no sense at all. Whatever the issue is, it makes no sense for us to be considering this on what is called an urgent supplemental. That means emergency funds. This is no emergency.

I hope my good friend from Montana would hold back his amendment and exercise his authority as chairman of the subcommittee that has jurisdiction over this and hold hearings. Many of us who oppose this amendment would certainly be willing to work with him and see if we could come up with legislation that solves the problem.

The amendment would put into place an indefinite moratorium on the Department of Interior's ability to process patent applications on oil shale claims. It is a blatant end run, as I have said, around the authorizing process.

The effect of this amendment on oil shale claimants in Utah could be devastating because there are more than 700 unpatented claims which would be hit.

For example, a 63-year-old woman in Salt Lake City holds 40 such claims. She has spent her own funds to conduct the required annual assessment work of $100 per claim or $40,000 a year on her holdings. Like everyone else who is interested in oil shale, she continues to hope that one day America's huge quantities of shale can be developed. She would like to have her claims be part of that contribution to our oil needs.

But, Mr. President, if the amendment of the Senator from Montana becomes the law of the land, the result may be that she can not patent her claims. It may also be the beginning of a legislative process which takes away her claims altogether without compensation. This is likely to be an unconstitutional taking. But, that is an argument which should be made in the authorizing committee, not on this supplemental appropriations bill.

There are some problems here that need to be addressed. We need to hold those hearings and find the answers

rather than do it in the middle of an urgent supplemental appropriations bill. I hope my colleagues will see this for what it is, reject it, rule it out of order as authorization on an appropriations bill. I hope my friend from Montana will withdraw his amendment and let those of us who are from oil shale States see if we can be of assistance in developing some legislation that is not hurried.

This bill is not the time or the place for that discussion. Certainly, the hearings in the authorizing committee are—and subsequently action on this floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I again call to the attention of Senators that this would be an excellent time for Senators to call up amendments.

The Senate is just going through a quorum call. I hope Senators will come to the floor.

As I said earlier, this is a good example of the problem the leadership has when it tries to accommodate Senators by setting the time of 5 o'clock to start the voting. Many Senators who have amendments do not get back into town until 5 o'clock. Others who are here do not seem to be in a hurry to get to the floor to call up amendments. It makes it pretty hard to do business.

Senators know there will not be any rollcall votes until 5 o'clock, and they will wait until the next day to call up their amendments and manage to get back into town to have votes.

I hope Senators will answer the call to duty here and call up amendments. The managers have been here today and others have been here, trying to get Senators to call up their amendments. I think we have had one amendment called up on the other side of the aisle, and there have been a few called up on my side of the aisle.

I hope that Cloakrooms on both sides will bestir themselves in urging Senators who have amendments to come to the floor and call them up.

We will continue to stack amendments for a little while yet. There should be several votes beginning at 5 o'clock.

While I have the floor I should ask the Chair, what was the order entered with respect to the waiver on the amendment by Mr. DIXON, may I ask the Chair?

The PRESIDING OFFICER. The order was that vote occur after the votes that have already been ordered stacked at 5 o'clock.

Mr. BYRD. Mr. President, I ask unanimous consent to change that order to provide that upon the disposition of the amendment by Mr. HEINZ then the vote on the waiver of the Dixon amendment occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote which was to occur today at 5 p.m. occur at 5:15 p.m. and that the other votes stacked subsequent to that be accordingly changed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 4:24 P.M.

Mr. BYRD. Mr. President, since no Senators seem to be in the mood for the moment to call up amendments, I ask unanimous consent that the Senate stand in recess for 10 minutes. In the meantime, we will try to stimulate a little interest.

There being no objection, the Senate, at 4:14 p.m., recessed until 4:24 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BURDICK].

The PRESIDING OFFICER. The pending business is the Melcher amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside in order that the Senator from New York may be recognized for an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 223

(Purpose: To extend the availability of previously appropriated but undisbursed economic development funds for 1 fiscal year, or 2 fiscal years after such funds have been obligated, whichever date is later)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk for myself, Mr. DIXON, Mr. D'AMATO, and Mr. SIMON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. DIXON, Mr. D'Amato, and Mr. SIMON, proposes an amendment numbered 223.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 46, at the end of line 26, insert the following: *Provided further*, That any funds appropriated and available for obligation and expenditure under Section 108(a)(1) and (5) of P.L. 99-190 as amended, shall remain available for obligation and expenditure through September 30, 1988, or during the two year period following the date by which all such funds have been obligated, whichever date is later.

Mr. MOYNIHAN. Mr. President, this is a simple matter that has no budgetary impact of any kind. In the course of the 1970's, the Congress funded a local Public Works Program. In two States, New York and Illinois, the process of finishing up programs and then accounting for the programs left a small surplus, some $15 million or thereabouts in New York City, some little under $1 million in Illinois. This amendment would simply provide those funds would remain available. No additional fund of any kind would be appropriated and the States and cities involved would be most grateful.

I am most grateful to the distinguished chairman of the Subcommittee on Commerce of the Appropriations Committee, who has made this possible and who I understand is agreeable to this amendment.

Mr. HOLLINGS. Mr. President, if the distinguished Senator from New York would yield, I do agree. The committee has extended it once before and we want to extend the availability of the funds granted to those States of Illinois and New York by EDA until September 30, 1988, or 1 year after the funds are obligated. It has already been allocated. It has been appropriated. We want to just keep that appropriation and go ahead with the original intent of this particular appropriation for the projects in New York and Illinois.

Mr. MOYNIHAN. I express great appreciation on behalf of all four Senators.

In 1985, Congress extended the availability of these surplus funds for 2 additional years—through fiscal year 1987—however, the closeout process has taken longer than expected and EDA has not yet obligated funds for critical New York City projects.

This amendment would allow for the obligation and expenditure of all such surplus funds—about $10 to $20 million—through the end of fiscal year 1988, or until 2 years after all such funds have been obligated. This arrangement is intended to result in the timely obligation and expenditure of these funds.

New York has several projects in mind, and has submitted three applications totaling $8.8 million, and four preapplications totaling $4.7 million. An eighth application is currently being prepared.

The proposed projects include: Development of the Atlantic terminal site in Brooklyn; renovation of the Brooklyn Army terminal; rebuilding the farmers market in Jamaica; revitalization of the 125th Street corridor in Harlem; and, upgrading the Brooklyn Navy Yard's ship repair facility.

Illinois is the only other State that would be affected by this amendment. it has about $800,000 of surplus funds.

I thank Senators DIXON, D'AMATO, and SIMON for their assistance in this effort, and once again I express our appreciation to Senator HOLLINGS and the managers.

Mr. DIXON. Mr. President, I rise in support of the amendment being offered by the senior Senator from New York, which would extend the period for obligation of certain funds for the Economic Development Administration.

This amendment clarifies the intent of Congress to extend the period of time that the EDA should have money available for obligation.

Specifically, Illinois has two projects that were authorized and appropriated in 1985 that total $820,000. The project's sponsors have been diligent and responsive. Unfortunately, the money from the EDA has not been forthcoming. Without any additional action from Congress, this money will be lost by the end of this fiscal year.

Since November 25, 1986, these projects have been set to go. The money has been appropriated and the project sponsors have worked to meet the deadlines, the agency has not released the funds, therefore Congress must do the right thing and extend the deadline for these projects.

I am glad that my colleagues on the Appropriations Committee understand this problem and are willing to extend the deadline.

To my colleagues that are rightfully concerned with the adding to the outlays of this bill, let me assure you that by extending the deadline the Congressional Budget Office has determined that there will be no additional outlays to the supplemental appropriation bill.

Mr. President, I ask unanimous consent that a copy of a letter sent to me by the treasurer of the Will County Development Co., Mr. Lawrence Zeeb, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WILL COUNTY
LOCAL DEVELOPMENT CO.,
Joliet, IL, May 6, 1987.

Memo To: Senator Dixon's Washington D.C. Office; Congressman Davis' Washington D.C. Office; Governor Thompson's Washington D.C. Office.

From: Lawrence J. Zeeb, Sr., Treasurer.

Re: EDA $400,000 Grant to the Will County Local Development Company (LDC) for a Revolving Loan Program (RLF).

As a result of phone calls yesterday, from Kevin Gillogly and Mike Lincoln, and following a phone conversation with Jim Wheeler, I transmitted 32 pages of documents to Kevin Gillogly from Congressman Jack Davis' Joliet office via the Telefax.

Essentially, initial inquiry for a grant from EDA for the RLF was in May of 1983, when the availability of funds was made public in the Wednesday, May 11, 1983 Federal Register (pp. 21173 and 21174).

Through the direct efforts of the late Congressman George O'Brien, specific legislation and appropriation § 470.221: ". . . 819,650: the conferees intend that $400,000 will be for a grant to the Will County Local Development Company and the balance of these funds will be allocated to the Illinois and Michigan Canal Commission . . ." This was further delineated in the Congressional Record: ". . . (ii) a $400,000 grant to the Will County Local Development Company for the establishment of a revolving loan fund."

On December 19, 1985, the continuing resolution for fiscal year 1986 (H.J. Resolution 465 passed the House by a vote of 261-137, with $400,000 for the LDC and $419,650 for IMNHC.)

On May 8, 1986, the House passed the Urgent Supplemental bill for FY 1986 (H.R. 4515) by a vote of 242 to 132, included in the Commerce section of the bill, with a total of $820,354 to fund the $400,000 LDC and $419,650 I & M National Heritage Corridor grants. These figures had already been adjusted for Gramm-Rudman-Hollings and ". . . the full amounts should therefore be available."

The President signed the bill (H.R. 4515) on July 2, 1986, which became Public Law 99-349. This information was transmitted to us, by letter from Dorothy L. Powell, dated August 7, 1986.

After completing all documentation and application details for EDA, we were informed by phone conversation from Mr. Edward Jeep, Regional Director, Chicago, that ". . . we should be able to consumate the grant agreement and receive drawdown approval November 14, 1986."

As of today, May 6, 1987, this has not been accomplished, and I do not know why. Our matching funds have been encumbered, by us, since November 25, 1986.

Copies of documents to support the above were transmitted yesterday.

Please advise.

L.J. ZEEB, SR.,
Treasurer.

Mr. JOHNSTON. Mr. President, as I understand it, this amendment would have no budgetary impact.

Mr. MOYNIHAN. None.

Mr. JOHNSTON. It has been cleared by the distinguished chairman of the subcommittee, Mr. HOLLINGS. I am also advised that this has been cleared on the Republican side by their counsel.

So, Mr. President, we are pleased to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 223) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. I thank the managers.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the pending amendment, the Melcher amendment, be temporarily set aside so that I might offer an amendment that has been cleared with both managers of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 224

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI), for himself, Mr. DOMENICI, and Mr. D'AMATO, proposes an amendment numbered 224.

COAST GUARD

OPERATING EXPENSES

(TRANSFER OF FUNDS)

For an additional amount of "Operating Expenses", $4,120,000, to be derived by transfer from "United States Customs Service, Operation and Maintenance, Air Interdiction Program".

Mr. DECONCINI. Mr. President, this is an amendment that will not take a long period of time. There is a little history that I want to lay out for the Senate to tell what we are doing here. Sometime ago, the Commissioner of Customs agreed to transfer $8 million from the Customs Air Interdiction Program to the Coast Guard to purchase a number of helicopters that would be used in the Bahamian-United States Drug Interdiction Task Force. That transfer did not come about, however, because the Coast Guard, we learned, was able to get some helicopters from other resources, specifically from the Department of Defense. The Coast Guard nevertheless still wanted this $8 million for operation and maintenance and for buying certain additional equipment for use in the United States-Bahama Drug Interdiction Task Force.

Without the specific permission of the Customs Service, a transfer of funds was made from the Customs account to a Coast Guard account. This Senator and a number of others objected to that transaction and the money was replaced. Actually, the physical transfer of the funds took place by computer system and the accounting actually took place. So we had one agency drawing on another agency's account without the permission of the Appropriations Committee. We do not know if OMB had signed off. We could find nothing that indicated that. And certainly the agency that the money had been appropriated to—Customs—had not agreed to such transfer for this purpose. That was reversed. The money was transferred back to the proper account.

This particular amendment now transfers $4,120,000 of the $8 million to the Coast Guard account. And I ask unanimous consent that the table of how this money will be spent also be printed in the RECORD.

Now the balance of the $8 million, if it is still needed, we will anticipate

putting that in the 1988 budget of the Coast Guard, transferring the $3.880 million from Customs in that year, if approved by the committee.

The reason I want to go through this, Mr. President, is because it is very important, it seems to me, that those who have the authority and responsibility to appropriate money not be usurped by an executive agency that decides that their interpretation of a consent to transfer money for one purpose can be interpreted by that single agency that it now grants them authority to transfer that money for another purpose. And that is the whole purpose of this amendment.

I think it is important that we go on record that the disgraceful turf battles among any agencies and certainly law enforcement agencies, do nothing to enhance the effectiveness and the credibility of our law enforcement. These agencies have to work together.

We had a good case here where the Commissioner of Customs, Mr. von Raab, was willing to transfer this money to the agency that was going to buy helicopters in the drug enforcement effort. That is a cooperative effort with Customs and Coast Guard in the Bahamas. The Coast Guard in this case changed its position regarding the use of these funds. The reason it changed its position is it got some helicopters and did not need to buy them. It then elected, on its own, to take that money from the Customs anyway and use it for other purposes. I violently object to that. I have to say that the Customs people, the Commissioner, was willing to overlook it, reluctantly, but I objected to it as I know many members of the Appropriations Committee did also.

Mr. President, this amendment is offered on behalf of myself, Senator DOMENICI, and Senator D'AMATO.

Mr. President, my amendment will allow for the transfer of $4,120,000 in Customs air drug interdiction funds to the U.S. Coast Guard to bolster our helicopter drug interdiction effort in the southeast and in support of the newly established United States-Bahamas Drug Interdiction Task Force. These funds will allow the Coast Guard to upgrade a number of its existing helicopters in the Southeastern United States and to establish a command, control, and communications center in the Bahamas as part of the task force effort. Coast Guard is coordinating its efforts in the task force with the Customs Service; the Drug Enforcement Administration; the State Department; and the Government of the Bahamas.

Mr. President, I ask unanimous consent that a table outlining exactly how the $4,120,000 would be used by the Coast Guard be printed in the RECORD, as well as a letter to the Comptroller General.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COST ESTIMATES: FISCAL YEAR 1987 ESTIMATED GUARD COSTS

			Costs allocated to USCS transfer
Secure comms (C3I)		$1,000,000	$1,000,000
H-3 ballistic seats		270,000	270,000
TAD expenses		108,000	
Transfer of two HH-3F from Astoria to Clearwater:			
OG-20 (PCS transfer of 40 personnel)		120,000	
OG-30/41 (transfer of aircraft and equipment)		60,000	
Aircraft upgrades:			
NVG helmets	$30,000		
NVG (ANVIS 6)	150,000		
NVG training	25,000		
NVG cockpit mods	300,000		
Body armor	20,000		
Helo parts and Deploy kits	475,000		
Ground support equipment	150,000		
Flir	1,500,000		
Omega	200,000		
Subtotal		2,850,000	2,850,000
Total		4,408,000	4,120,000

Mr. DECONCINI. Mr. President, it is this Senator's sincere hope that this amendment will help to put to rest once and for all, the disgraceful turf battle that has been raging for months between Customs and Coast Guard. This amendment, coupled with the decison of the National Drug Enforcement Policy Board this week to make Customs the lead drug interdiction agency and give Coast Guard increased drug interdiction responsibilities, will finally put the war against each other on the table, and allow us to make war against the narcotics smuggler.

Mr. President, as you may know, last month the truf battle reached a low point when the Coast Guard, without specific authorization from Customs, transferred $8 million from the Customs air program account into the Coast Guard operating expense account. The Coast Guard has since been forced to return the money once it was found that proper procedures had not been followed by all parties. Senator DOMENICI, ranking member on the Treasury, Postal Service Subcommittee, and I have asked GAO to examine this particular transaction and to look at the larger potential problem of unauthorized interagency or interdepartmental transfers of appropriated funds. I ask that a copy of our request to the Comptroller General be included in the RECORD at this point.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 12, 1987.

MR. CHARLES A. BOWSHER,
Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: Information brought to the attention of the Senate Appropriations Subcommittee on Treasury, Postal Service, and General Government indicates that on or about April 2nd the U.S. Coast Guard transferred $8,000,000 from the U.S. Customs Service Operation and Maintenance, Air Interdiction Program account into the Operating Expenses account of the Coast Guard. The transfer of appropriated funds between two Departments, either with or without authorization from the Customs Service, without any Congressional input, is of deep concern to us and the Committee.

In this particular instance, two separate letters were sent from the Chairman of the Treasury, Postal Service, and General Government Subcommittee rejecting a proposed transfer of funds from the Customs Service to the Coast Guard.

The purpose of this letter is to request the General Accounting Office to conduct a full review of this particular transaction between the Coast Guard and the Customs Service, to determine the circumstances surrounding this transaction, and the propriety of such transfer of funds. We would ask that in examining this particular transaction, you would broaden your review to include an investigation of the generic problem within the Federal government regarding the ability of agencies and Departments to implement such inter-agency, or inter-Departmental fund transfers without formal approval by one of the parties and without Congressional approval. We are also deeply concerned that such inter-Departmental transfers of funds could be conducted in contravention of Congressional mandates under current law, regardless of formal agreement between two agencies or Departments.

In this regard, your assistance would be helpful in resolving a number of issues, including but not limited to the following:

What are the specific facts involving this particular transfer of funds from the Customs Service to the Coast Guard, including the roles that each agency played in the transaction, and who authorized the transaction;

What was the legal basis for initiating the transfer and were any Federal laws or regulations violated;

To what extent do such transfers of appropriated funds occur between agencies or Departments and what specific procedures are required before such transfers can occur;

What role does the Department of the Treasury play in implementing the transfer of funds betwen Federal agencies and Departments; what was the Department's role in this particular transfer; and, if such transfers are proper and legal, are additional procedures and safeguards needed to control them and make the agencies and Departments accountable to Congress; and

Should inter-Departmental or interagency transfers of appropriated funds be subject to Congressional approval, especially in such instances where the transfer could run counter to recommendations; directives; funding earmarkings; or mandates contained in current statutes, including appropriations acts and their accompanying reports.

We would hope that you would be in a position to act promptly on this request and provide us with at least an interim report prior to completion of Committee action on the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1988. We would further ask that you work with Bobby Mills (224-6280) and Becky Davies (224-7219) of the Appropriations Committee staff during the course of your review.

Thank you for your prompt and thoughtful consideration of this request.

Sincerely,

DENNIS DECONCINI,
Chairman, Subcommittee on Treasury, Postal Service, and General Government.

Mr. President, the reason I decided to make this transfer by amendment to the supplemental appropriation bill is to establish the clear, unmistakable precedent that such transfers of appropriated funds should be done only through the normal appropriations process, and not merely by memorandum of agreement between agencies. In fact, I intend to include language in the Treasury, Postal Service, and General Government Appropriations bill for fiscal year 1988 that would preclude such transfers unless they are approved through the normal appropriations process. I note that the Department of Defense authorization bill includes a similar provision that allows the transfer of funds between agencies but only under very strict conditions. I believe that we need to scrutinize these transfers and tighten up the procedures by which such transfers are made.

Mr. President, I hope the Senate will accept this amendment. It will allow us to increase our helicopter antidrug fleet in the Southeast where the flow of drugs continues to be a devastating problem. It will resolve a longstanding dispute between two great drug interdiction agencies, Customs and Coast Guard. And it will establish the clear precedent in the Senate that transfers of appropriated funds between agencies and departments shall only be handled through the normal appropriations process. With this amendment I also send one final admonition to both Coast Guard and Customs: stop fighting each other; work together; and fight the drug smuggler with even greater vigor than before. I can assure this body that I will stand foursquare in support of providing both agencies the tools that they need to meet this challenge. For all of these reasons, I urge that the amendment be adopted.

Mr. CHILES. Mr. President, I join Senator DECONCINI in sponsoring this amendment which basically gives congressional approval for an agreement made between the Customs Service and the Coast Guard concerning support of the United States Bahamian Drug Interdiction Task Force.

Last year in the AntiDrug Abuse Act, Public Law 99-570, the Congress approved $10 million for the U.S. Bahamian Task Force, primarily for three additional helicopters to be used for drug interdiction. In the continuing resolution, Public Law 99-591, Congress appropriated the $10 million for the task force to the Customs Service.

Early this year, the Commandant of the Coast Guard and the Commissioner of the Customs Service agreed to a transfer of a portion of these funds from Customs to the Coast Guard for the purpose of supporting the acquisition, operation, and maintenance of helicopters to be used for drug interdiction in the Bahamas. It is my understanding that this agreement was formally approved by the Customs Service, the Coast Guard, and the Department of State.

Mr. President, this agreement has merit. The agreement would allow for a more efficient use of Bahamaian Task Force dollars because the Coast Guard would be able to upgrade and operate at least nine helicopters from its inventory and from helicopters from the Air Force. In other words, we would be getting nine upgraded helicopters for the task force instead of three new helicopters as specified in the Drug Act.

This enhancement of helicopter support for the United States Bahamian Drug Task Force will also assist the Coast Guard in its role as the lead agency in the interdiction of drugs on the seas and in the air, especially in the area of the Bahamas. The location of these many islands is key to drug transshipment to our shores and strengthening the United States Bahamain Task Force will hopefully result in more effective interdiction.

Mr. President, this agreement is exactly the type of cooperation and wise use of our taxpayers dollars that the Congress encourages in our drug policy. I know this Senator has been urging such cooperation for a long time. I would hope that we will see more such cooperative endeavors from these agencies and their fellow drug enforcement counterparts in the future. Some of my colleagues and I have been more than disturbed at the turf battles which have taken place over the past few years amongst the drug enforcement agencies and would hope that this cooperative spirit is contagious and will continue as the rule and not the rare exception.

Mr. President, I know that the Senator from Arizona agrees with me that it is the prerogative of the Congress to transfer funds between appropriations accounts. I also know that the agencies involved in this transfer believe they have the authority to provide goods or perform services for other Federal agencies under reimbursable agreements under the Economy Act, Public Law 98-216. It is my understanding that this amendment does not address the matter of reimbursements under the Economy Act, but merely shows congressional approval of transferring the $4.1 million from Customs to Coast Guard. The Senator from Arizona has requested the GAO to study the issue of reimbursement agreements and report to the Congress on this matter. I believe it is appropriate for the Congress to review the GAO's analysis before there is discussion of any interpretations under the authorities of the Economy Act.

Mr. President, I urge my colleagues to support this transfer of funds which will hopefully result in coordinated and efficient drug enforcement policy for the United States.

Mr. LAUTENBERG. I have no objection to this amendment.

I support the Senator's intent of underscoring the oversight prerogatives of the committee with respect to interagency transfers of funds.

I would note for the record, however, that the Department of Transportation's position is that the original electronic transfer from the Customs Service to the Coast Guard was properly authorized and went through the usual clearances for routine reimbursable transactions.

I have here a chronology of this episode and ask unanimous consent that it be printed in the RECORD.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

COAST GUARD/CUSTOMS REIMBURSABLE AGREEMENT CHRONOLOGY OF EVENTS

Anti-Drug Abuse Act of 1986, (P.L. 99-570), directed establishment and operation of U.S.-Bahamas Task Force. Membership includes Coast Guard and Customs. Directs that members enter into negotiations with government of the Bahamas for joint operation and maintenance of any drug interdiction assets used by new Task Force. Authorized $10M. $9M for three drug interdiction pursuit helicopters and $1M for enhanced communications capabilities.

Title II of the Continuing Resolution, (P.L. 99-591), provided in "Operations and Maintenance, Air Interdiction Program" account of Customs, $10M for the U.S. Bahamas Task Force. Presumably, although not specifically mentioned, this was funding authorized by the Anti-Drug Abuse Act.

24 Dec 1986, Commissioner von Raab sent letter to Adm Yost detailing Customs plans for Bahamian Task Force. Specifically, letter discussed the purchase of three commercially available helicopters.

2 Jan 1987, Adm Yost letter to Commissioner von Raab stated strong concerns about Customs service straying farther and farther from U.S. shores. Emphasized funds were for Task Force, not Customs. Recommended the Task Force in coordination with NDPB determine how $10M should be expended.

5 Jan 1987, Adm Yost letter to Ann Wrobleski, Assistant Secretary of State for International Narcotics, expressed concern about Customs impending purchase of helicopters for $6M dollars. Recommended no money be spent until Policy Board acts. Reiterates that nothing in the legislation requires that funds be spent for Customs assets.

9 Jan 1987, Commissioner von Raab to Adm Yost letter. $8M would be transferred from Customs to Coast Guard. $7M for acquisition, operation, and maintenance of helicopters to be used in drug interdiction efforts in the Bahamas. $1M for design, development, and installation of the C31 for Bahamas task force. In return CG agrees: $2M of the $10M would remain with Customs for Customs Aerostat enhancements, give open-minded and objective review of

Customs need to patrol between Bimini and Florida, and Adm Yost "acknowledgment of Customs gracious offer and cooperative spirit before the Drug Policy Board."

12 Jan 1987 letter Adm Yost to Ann Wrobleski. Applauded Customs $8M transfer agreement. Recommend agreement be taken to the NDPB. One Coast Guard H-3F dedicated to mission at this time.

Proposed reimbursable agreement with Customs worked out between Coast Guard and Customs budget offices on 4 Feb 1987.

Customs proposed changes to the reimbursable agreement just prior to scheduled signing. Changes regarding Congressional directions voiding agreement were unacceptable to Coast Guard. Would put Coast Guard in position of having to obligate funds without assurances of being reimbursed. Could result in violation of Anti-Deficiency Act.

11 Feb 1987 final signed reimbursable agreement. When Customs was appraised of our concerns they removed the objectionable language.

By using a reimbursable agreement, the head of an agency has the power to procure services from another agency if determined: 1. funds are available, 2. order is in best interest of United States, 3. agency to fill order able to provide, 4. ordered goods or services cannot be provided by contract as conveniently or cheaply by commercial enterprise. "Payment shall be made promptly on the request of the agency filling the order. Payment may be made in advance . . . and shall be for any part of the estimated cost as determined by the agency filling the order. A bill submitted or a request for payment is not subject to audit or certification in advance of the payment".

27 Mar 1987 letter, Commissioner von Raab to Adm Yost. Raised concern that Senator DeConcini stated he still expects Customs to use funds to purchase helicopters. Raised concern about state of communications at OPBAT headquarters and questions about Coast Guard pilots flying "blacked-out" at night. Did not suggest canceling agreement.

22 Apr 1987 letter, Adm Yost to Commissioner von Raab. Shared concerns of 27 Mar 1987 letter, discussed Coast Guard commitment of $4.4M in FY 1987 and our future plans. Thanked Customs for providing funds expeditiously.

CHRONOLOGY OF FISCAL TRANSACTIONS

Fiscal transactions followed procedures identified in official Treasury Fiscal Requirements Manual. CG began using Treasury's electronic system called On-line Payment and Collection (OPAC) in November 86. Under this system, all civil agencies on system have their account numbers published in a directory. CG and Customs both on system. System allows agencies to directly bill and collect automatically.

Prior to 2 Apr 1987 official OPAC contact of Customs was called and informed of intention to bill. Although not a requirement, CG policy is to call an agency beforehand.

2 Apr 1987: CG billed Customs through OPAC for $8M. Electronic bill included language from Memorandum of Agreement (MOA), CG accounting data, and a CG point of contact.

8 Apr 1987: After the billing, CG decided to reduce bill to $4.4M which was anticipated obligations for FY 87. CG called Customs again and told them that we would process a $3.6M credit. Credit was automatically processed on 8 Apr.

10 Apr 1987: CG received a phone call from Customs requesting some documentation on the bill. A copy of the MOA and supporting legislation was telefaxed that day. Individual was also given the name of person in Customs budget office in Wash., D.C. with whom CG had negotiated agreement.

24 Apr 1987: Customs Indianapolis accounting office, advised that they wanted to reverse the billing. Told by CG budget office that this was signed agreement by their Commissioner on which obligations had been made. Could not agree to return of funds without approval of Commandant who was in Europe. Suggested Commissioner discuss with ADM Yost when he returned on 30 April.

28th of each month: Treasury "closes the books" on all transactions and produces a statement of months transaction. This was apparently not done. As of that date, Customs' had not billed back.

30 Apr 1987: The Deputy Commissioner Treasury Management Systems, Mr. M. Page, called CG Chief of Acounting and advised him that the billing transaction had been reversed.

4 May 1987: CG received documentation that the billing had been reversed because it was "erroneous".

Mr. LAUTENBERG. Mr. President, in any case, the GAO inquiry that has been requested will determine the legal validity of the Department of Transportation's position.

In the meantime, I support this amendment.

Mr. DECONCINI. Mr. President, I move the adoption of the amendment.

Mr. JOHNSTON. Mr. President, as I understand it, this, of course, has been cleared by the subcommittee of which the Senator from Arizona is the chairman. Also, Senator CHILES, the chairman of the Budget Committee, is also a coauthor and continues to be an enthusiastic supporter of this amendment.

Mr. DECONCINI. If the Senator will yield, let the record show that the Senator from Florida is no longer a coauthor, but he does not object to this amendment. He has assured us of that as of 5 minutes ago.

Mr. JOHNSTON. But he has no objection to the amendment?

Mr. DECONCINI. He supports the amendment, but his name does not appear as a coauthor.

Mr. JOHNSTON. And there is a dollar-for-dollar transfer from the Customs to the Coast Guard?

Mr. DECONCINI. The Senator from Louisiana is absolutely correct.

Mr. JOHNSTON. Mr. President, we, therefore, have no objection to the amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would like to indicate my support for this amendment. In early April of this year, $8 million in funds appropriated in the fiscal year 1987 continuing resolution to the Air Interdiction Program, operations and maintenance, account of the U.S. Customs Service were transferred to the U.S. Coast Guard operating account. This transaction has now been reversed. However, I am highly disturbed over the circumstances which permitted such a transfer of funds to occur in the first place.

As the ranking member of the Treasury-Postal Service-General Government Appropriations Subcommittee with jurisdiction over the Customs Service, I have joined my distinguished chairman, Mr. DECONCINI, in a request to have the General Accounting Office not only explore and report on the facts with respect to this particular transaction but to advise us as to the extent to which such shifting of appropriated moneys from one account to another is occurring as a result of interdepartmental or interagency agreements.

Until the GAO results are in, on the face of it, it appears to me that this movement of appropriated funds, without approval by the Appropriations Committee and the Congress, is inappropriate. If this is not the case, those of us on the committee and in this body are wasting a lot of effort and time authorizing the use of funds for specific purposes and deciding what level of funding is appropriate and where those funds should be placed. I submit to you that those are the responsibilities assigned to the Congress. If subsequent to congressional action, new circumstances arise which would permit appropriated funds to be spent in a more efficient manner, then there are procedures in place to obtain congressional approval of such proposals.

This amendment reflects such a procedure—congressional approval to transfer previously appropriated funds to another account. I am certain that neither the Customs Service nor the Coast Guard acted in bad faith in attempting to accomplish this transfer by interagency agreement. In recognition of this, we are officially providing for such a transfer of funds. However, we will be exploring this general issue more fully and intend to address it in the fiscal year 1988 appropriations bill.

Mr. President, obviously, the distinguished Senator from Arizona has indicated that I am a cosponsor. I sit on his subcommittee as his ranking member. I obviously support the amendment.

I am informed, I say to my friend from Arizona, that the distinguished ranking member, Senator HATFIELD, asked to reserve judgment on this, He will be here shortly. I understand he is getting a reading as to the outlay impact. I assume because of consistency, he wants to make sure there is no outlay impact and that others have been required to waive the Budget Act if, indeed, there are. A preliminary reading on it is that, indeed, it may

have an outlay impact. I am not aware of that. I do not understand how that can be. But I have not studied it in terms of the outlay as compared to the outlays under the previous usages.

Senator HATFIELD had indicated that he had objection to it on the same basis that he objected to previous amendments that had outlay disparity.

Mr. DECONCINI. I am not aware of that.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the DeConcini amendment be temporarily set aside pending the arrival on the floor of the distinguished Senator from Oregon, and that I be permitted to offer an amendment for immediate consideration.

The PRESIDING OFFICER (Mr. SANFORD). Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 225

Mr. HOLLINGS. Mr. President, on behalf of Mr. RUDMAN and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. RUDMAN, proposes an amendment numbered 225.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, after line 11 insert the following:

Funds appropriated or otherwise made available to the Department of Commerce and the National Oceanic and Atmospheric Administration shall be available for the procurement of launch services for geostationary weather satellites I, J, and K, to be conducted only by the National Aeronautics and Space Administration: *Provided*, That such procurement may be conducted by the Department of Commerce upon written certification to the appropriate Committees of the Congress prior to July 1, 1987, that the conduct of such procurement by the Department of Commerce will not delay the availability of launch services compared to the availability of launch services conducted by the National Aeronautics and Space Administration.

Mr. HOLLINGS. Mr. President, I am offering this amendment on behalf of myself and the distinguished junior Senator from New Hampshire [Senator RUDMAN], the ranking minority member of the Commerce, Justice, State Subcommittee. We believe that the Department of Commerce in rushing to directly procure launch services for geostationary weather satellites, I, J, and K, endangers the Weather Satellite Program. We fear that shifting the contracting responsibilities from NASA to NOAA could delay the availability of launch services for up to 1 year and offer this amendment to slow this down before we find ourselves in a bad situation. Last year we lost a geostationary weather satellite at the launch, so there is already concern about the sustainability of a two-satellite system until the next scheduled launch in late 1989. Even under the current procedures we fear that we may be down to one satellite coverage by that time, so that the Pacific areas could be deprived of information on severe storms and hurricanes, if launch services are delayed or if we have a failure by the satellite launched a few months ago.

The Department of Commerce has been moving along on this without any consultation with the Commerce Committee or the Appropriations Committee until after they made their decision. Why, I do not know—as I believe the Commerce Department requires legislative authority in order to directly procure launch services.

Mr. President, our amendment gives the Commerce Department the benefit of the doubt if they can certify that the change in contracting procedures will not result in a delay in the availability of launch services. Therefore, the amendment includes a proviso to allow for such a certification in consultation with the Administrator of the National Aeronautics and Space Administration.

Mr. President, I urge adoption of this amendment.

Mr. RUDMAN. Mr. President, I am cosponsoring this amendment with my good friend from South Carolina due to my concern that the Department of Commerce is overlooking public safety considerations in its decision to directly procure launch services for geostationary weather satellites I, J, and K. Normally I would enthusiastically support efforts to commercialize government activities; however, in this case the shift in contracting procedures could delay the availability of launch services for up to 1 year. Given the loss on launch of a geostationary weather satellite last spring, there is justifiable concern about the sustainability of a two-satellite system until the next launch in late 1989. It is quite possible we will be down to one satellite coverage by that time, which means that the Pacific will not be adequately covered due to the need to monitor storms and hurricanes in the South Atlantic and the Gulf of Mexico. If launch services are delayed and during that period of time the most recently launched satellite fails, hurricane coverage would be eliminated.

I would also like to point out that this decision was made without any consultation with the Commerce Committee or the Appropriations Committee. This is particularly troubling due to the subsequent realization that the Commerce Department will probably require legislative authority in order to directly procure launch services.

Mr. President, I'm willing to give the Commerce Department the benefit of the doubt if they can certify that the change in contracting procedures will not result in a delay in the availability of launch services. Therefore, the amendment includes a proviso to allow for such a certification in consultation with the Administrator of the National Aeronautics and Space Administration.

Mr. President, I am pleased to be a cosponsor of this amendment and urge its adoption. I also ask unanimous consent that an options list prepared by the Department of Commerce in preparing for their decision be printed in the RECORD, as well as a letter from the National Oceanic and Atmospheric Administration to the National Aeronautics and Space Administration informing them of the Commerce Department decision.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF COMMERCE,
Washington, DC, March 2, 1987.

Dr. BURTON I. EDELSON,
Associate Administrator for Space Science and Applications, National Aeronautics and Space Administration, Washington, DC.

DEAR BURT, I would like to thank NASA for completing the planning for procurement of ELV-based launch services for GOES I-K as I requested last fall. The NASA team, led by Lewis Research Center, has prepared an excellent solicitation and evaluation package. It is consistent with guidance provided by our staff.

The Department of Commerce has made a policy decision that Commerce/NOAA should conduct this procurement for ELV-based launch services. NOAA intends to build on the solicitation and evaluation package that has been completed by NASA and to issue a solicitation as quickly as possible. We would welcome having NASA technical staff participate in the evaluation of proposals and in the follow-on contract monitoring. Our staff will be making every effort to have launch services available to meet our current schedule, with the launch of GOES I in late 1989.

We look forward to continuing our productive and collegial working relationship with NASA in the development of the GOES I-M spacecraft, the development of NOAA's future polar metsats, and in planning for future data management, instruments, and operations for the 1990s.

Sincerely,

THOMAS N. PYKE, Jr.

OPTIONS CONSIDERED FOR GOES I-M LAUNCH PROCUREMENT

OPTION 1.—DOC TO COMPETITIVELY PROCURE LAUNCH SERVICES DIRECTLY WITH TECHNICAL ASSISTANCE FROM AIR FORCE

Pros

Direct procurement (rather than through NASA) is substantive Fed vote of confidence in building a competitive commercial launch services industry.

Maximum DOC control over procurement decision.

Experienced USAF staff for guidance.

Lowest cost available to Government: will use fewer full-time staff than NASA services require.

Cons

Need to schedule USAF support around USAF "peak loads", and familiarize DOC/NOAA procurement personnel with launch service procurement procedures.

Delay of 4-12 months.

OPTION 2.—NASA CONTINUES PROCUREMENT OF LAUNCH SERVICES ON BEHALF OF DOC

Pros

Experienced staff.

No delay; ongoing procurement process continues.

DOC participates in selection.

Cons

Continues reliance on NASA as go-between with private sector.

Limits DOC control over selection. Contract still NASA's responsibility; DOC would have "veto" authority.

Higher staff costs (NASA maintains large full-time team).

OPTION 3.—FORD AEROSPACE, THE GOES SPACECRAFT CONTRACTOR TO PROCURE LAUNCH SERVICES ON BEHALF OF DOC

Pros

Strongly supports commercialization; by providing less Federal oversight, relies more on contractor.

Cons

No DOC control over selection.

DOC must justify large sole-source contract to Ford; protest is likely.

Delay of 2-10 months, longer if major protest of sole-source.

Ford would need to staff up with launch vehicle experts.

Greatly reduced Federal oversight, resulting in increased risk.

Higher cost due to middleman: would have to pay Ford general administration plus fee, estimated at 16 percent.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOMENICI. Mr. President, I just wanted to ask my friend, Senator HOLLINGS, does this amendment have any budgetary impact?

Mr. HOLLINGS. No, it does not. It could at a later time. That is what we are concerned about. We do not want to start a budgetary impact by establishing a new launching service within NOAA when we just provide the service through NASA. Of course, we have the military launches at the Pentagon. We do not want to start a third one without any knowledge. We wanted to avoid any such impact.

Mr. DOMENICI. Mr. President, I have been informed by the distinguished floor manager on our side that, based upon the fact that it has no budgetary impact, we have no objection to the amendment on this side.

Mr. HOLLINGS. I thank the distinguished Senator from New Mexico.

Mr. JOHNSTON. Mr. President, Senator HOLLINGS is chairman of the subcommittee, and I also see the chairman of the Budget Committee here on the floor who is, I think, familiar with this amendment. I think I can definitely say on behalf of Senator STENNIS that the committee has no objection.

Mr. HOLLINGS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 225) was agreed to.

Mr. HOLLINGS. I thank the distinguished Senator from Louisiana and the distinguished Senator from New Mexico.

AMENDMENT NO. 226

(Purpose: Provided for continuation of disaster loan making activities)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of myself and Senator BUMPERS and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment temporarily? Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for himself and Mr. BUMPERS, proposes an amendment numbered 226.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13: restore the matter stricken on line 7 and insert:

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,000,000 for disaster loan making activities, derived by transfer from the "Business Loan and Investment Fund": Provided, that of the funds made available under the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1987, as included in Public Laws 99-500 and 99-591, for Small Business Development Centers, an amount not to exceed $2,000,000 may be transferred for disaster loan making activities.

Mr. HOLLINGS. Mr. President, on behalf of myself and Senator BUMPERS I offer an amendment which provides an additional $10 million to the Small Business Administration for the necessary salaries and expenses for employees involved in the Agency's disaster loan making [DLM] activity. We are advised that at the current level of operation, the current availability for the disaster loan activity of $20 million will run out in mid-July. It is currently estimated that if SBA continues the same level of service to disaster victims, and provides the required support to the Federal Emergency Management Agency [FEMA], a total of $30 million will be required this fiscal year. Without these additional funds, the disaster loan making employment level of 470 personnel would have to be drastically reduced and possibly eliminated entirely in the fourth quarter, and yield a double whammy to the victims of disaster and to the budget later on because we would have to supplant it at a later time.

Between October 1 and March 25, SBA declared a total of 69 disasters. Similarly, during the same period of fiscal year 1986, SBA declared 61 disasters. In addition, the last half of fiscal year 1986 shows another 49 disasters declared by the SBA. Based on the actual number and type of physical disasters declared in the last 5 years, SBA expects to declare major physical disasters resulting from 2 fires, 16 floods, 3 hurricanes, 3 major storms and 11 tornadoes between the months of March and September. The total disasters declared as of May 5, 1987 is 83 disasters, and I ask unanimous consent to print a listing of these 83 disaster declarations in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1987—DISASTER DECLARATIONS

Declaration date	State	Physical declaration number	Economic injury number	Physical termination date	E.I. termination date	Interest rate				
						HCE [4]	HNCE [5]	BCE [6]	BNCE [7]	Nonprofit
1. Oct. 6, 1986	Pennsylvania	(S) [1]	6446 01		June 1, 1987				4	9½
2. Oct. 6, 1986	Iowa	(S)	6447 01		June 1, 1987				4	9½
3. Oct. 8, 1986	Kansas	(S)	6448 01		June 3, 1987				4	9½
4. Oct. 8, 1986	Wisconsin	(P) [2] 2253 06	6449 00	Dec. 8, 1986	July 7, 1987	8	4	7½	4	9½
5. Oct. 8, 1986	Illinois	(P) 2254 06	6450 00	Dec. 8, 1986	July 7, 1987	8	4	7½	4	9½
6. Oct. 15, 1986	Missouri	[3] 2255 06	6451 00	Dec. 15, 1986	July 15, 1987	8	4	7½	4	9½
7. Oct. 15, 1986	Kansas	2256 06	6452 00	Dec. 15, 1986	July 15, 1987	8	4	7½	4	9½
8. Oct. 15, 1986	Minnesota	(S)	6453 01		June 8, 1987				4	9½
9. Oct. 15, 1986	Wisconsin	(S)	6454 01		June 8, 1987				4	9½
10. Oct. 15, 1986	Montana	(P) 2257 06	6455 00	Dec. 15, 1986	July 14, 1987	8	4	7½	4	9½
11. Oct. 15, 1986	Missouri	(P) 2258 06	6456 00	Dec. 15, 1986	July 14, 1987	8	4	7½	4	9½
12. Oct. 15, 1986	Oklahoma	(P) 2259 06	6457 00	Dec. 15, 1986	July 14, 1987	8	4	7½	4	9½

FISCAL YEAR 1987—DISASTER DECLARATIONS—Continued

Declaration date	State	Physical declaration number	Economic injury number	Physical termination date	E.I. termination date	Interest rate				
						HCE [4]	HNCE [5]	BCE [6]	BNCE [7]	Nonprofit
13. Oct. 22, 1986	Minnesota	(S)	6458 01		June 15, 1987				4	9½
14. Oct. 22, 1986	Kansas	(S)	6459 01		June 17, 1987				4	9½
15. Oct. 24, 1986	Kansas	(P) 2260 06	6461 00	Dec. 22, 1986	July 22, 1987	8	4	7½	4	9½
16. Oct. 27, 1986	Missouri	(S)	6460 01		June 22, 1987				4	9½
17. Oct. 28, 1986	Alaska	(P) 2261 06	6462 00	Dec. 26, 1986	July 27, 1987	8	4	7½	4	9½
18. Nov. 3, 1986	Idaho		6463 00		Aug. 3, 1987				4	9½
19. Nov. 7, 1986	Minnesota	(S)	6464 01		June 30, 1987				4	9½
20. Nov. 7, 1986	Missouri	(S)	6466 01		July 3, 1987				4	9½
21. Nov. 7, 1986	Missouri	(S)	6465 01		July 1, 1987				4	9½
22. Nov. 19, 1986	Ohio	(S)	6468 01		July 7, 1987				4	9½
23. Nov. 19, 1986	Pennsylvania	(S)	6467 01		July 7, 1987				4	9½
24. Nov. 24, 1986	Arkansas	(S)	6469 01		July 14, 1987				4	9½
25. Nov. 24, 1986	Michigan	(S)	6470 01		July 14, 1987				4	9½
26. Nov. 24, 1986	Kansas	(S)	6471 01		July 17, 1987				4	9½
27. Nov. 24, 1986	Arkansas	(S)	6472 01		July 20, 1987				4	9½
28. Nov. 25, 1986	Arkansas		6473 00		Aug. 25, 1987				4	9½
29. Nov. 25, 1986	Kentucky	(S)	6474 01		July 20, 1987				4	9½
30. Dec. 8, 1986	Michigan	(S)	6475 01		July 27, 1987				4	9½
31. Dec. 11, 1986	Trust Territories	(P) 2262 06	6476 00	Feb. 9, 1987	Sept. 10, 1987	8	4	7½	4	9½
32. Dec. 16, 1986	Washington	(P) 2263 06	6477 00	Feb. 13, 1987	Sept. 15, 1987	8	4	7½	4	9½
33. Dec. 16, 1986	Nebraska	(S)	6478 01		Aug. 10, 1987				4	9½
34. Dec. 17, 1986	Texas	(S)	6479 01		Aug. 12, 1987				4	9½
35. Dec. 23, 1986	Illinois	(S)	6480 01		Aug. 17, 1987				4	9½
36. Dec. 23, 1986	New York	(S)	6481 01		Aug. 17, 1987				4	9½
37. Jan. 7, 1987	Minnesota	(S)	6482 01		Aug. 24, 1987				4	9½
38. Jan. 7, 1987	Louisiana	(S)	6483 01		Aug. 24, 1987				4	9½
39. Jan. 7, 1987	Idaho	(S)	6484 01		Aug. 31, 1987				4	9½
40. Jan. 7, 1987	Texas	(S)	6485 01		Aug. 31, 1987				4	9½
41. Jan. 7, 1987	New York	(S)	6486 01		Aug. 31, 1987				4	9½
42. Jan. 14, 1987	Oklahoma	(S)	6487 01		Sept. 8, 1987				4	9½
43. Jan. 14, 1987	Iowa	(S)	6488 01		Sept. 8, 1987				4	9½
44. Jan. 14, 1987	New Mexico	(S)	6489 01		Sept. 9, 1987				4	9½
45. Jan. 20, 1987	Idaho	(S)	6490 01		Sept. 9, 1987				4	9½
46. Jan. 20, 1987	Kentucky	(S)	6491 01		Sept. 9, 1987				4	9½
47. Jan. 20, 1987	Michigan	(S)	6493 01		Sept. 9, 1987				4	9½
48. Jan. 20, 1987	Texas	(S)	6494 01		Sept. 9, 1987				4	9½
49. Jan. 20, 1987	Texas	(S)	6495 01		Sept. 9, 1987				4	9½
50. Jan. 28, 1987	South Carolina	2264 06	6496 00	Mar. 30, 1987	Oct. 28, 1987	8	4	7½	4	9½
51. Jan. 29, 1987	American Samoa	(P) 2265 08	6497 00	Mar. 25, 1987	Oct. 26, 1987	8	4	7½	4	9½
52. Feb. 3, 1987	New York	(S)	6492 01		Sept. 9, 1987				4	9½
53. Feb. 3, 1987	New York	(S)	6498 01		Sept. 15, 1987				4	9½
54. Feb. 3, 1987	Texas	(S)	6499 01		Sept. 16, 1987				4	9½
55. Feb. 4, 1987	South Dakota	2266 05	6500 00	April 6, 1987	Nov. 4, 1987	8	4	7½	4	9½
56. Feb. 9, 1987	Maine	(S)	6501 01		Sept. 29, 1987				4	9½
57. Feb. 9, 1987	Mississippi	(S)	6502 01		Sept. 29, 1987				4	9½
58. Feb. 9, 1987	Texas	(S)	6503 01		Sept. 29, 1987				4	9½
60. Feb. 9, 1987	Michigan	(S)	6504 01		Sept. 29, 1987				4	9½
61. Feb. 10, 1987	Micronesia	(P) 2267 06	6505 01	April 3, 1987	Nov. 2, 1987	8	4	7½	4	9½
62. Feb. 17, 1987	New Mexico	(S)	6506 01		Sept. 30, 1987				4	9½
63. Feb. 17, 1987	Texas	(S)	6507 01		Sept. 30, 1987				4	9½
64. Mar. 5, 1987	California	2268 05	6508 00	May 4, 1987	Dec. 7, 1987	8	4	7½	4	9½
65. Mar. 6, 1987	Mississippi	(P) 2269 05	6510 00	May 4, 1987	Dec. 7, 1987	8	4	7½	4	9½
66. Mar. 11, 1987	Mississippi	(S)	6509 01		Oct. 27, 1987				4	9½
67.		2270 00	6511 00							
68. Mar. 25, 1987	Texas	(S)	6512 01		Nov. 17, 1987				4	9½
69. Mar. 25, 1987	Virginia	(S)	6513 01		Nov. 19, 1987				4	9½
70. Mar. 25, 1987	Texas		6514 00		Dec. 28, 1987				4	9½
71. Apr. 3, 1987	Massachusetts	2271 06	6515 00	June 2, 1987	Jan. 4, 1988	8	4	7½	4	9½
72. Apr. 7, 1987	Mississippi	2272 12	6516 00	June 8, 1987	Jan. 7, 1987	8	4	7½	4	9½
73. Apr. 7, 1987	Alabama	(S)	6517 01		Nov. 25, 1987				4	9½
74. Apr. 7, 1987	Massachusetts	2273 05	6518 00	June 8, 1987	Jan. 7, 1988	8	4	7½	4	9½
75. Apr. 9, 1987	Maine	(P) 2274 06	6520 00	June 8, 1987	Jan. 11, 1988	8	4	7½	4	9½
76. Apr. 10, 1987	Louisiana	2275 12	6521 00	June 9, 1987	Jan. 11, 1988	8	4	7½	4	9½
77. Apr. 10, 1987	Texas		6519 00		Jan. 11, 1988				4	9½
78. Apr. 21, 1987	New Hampshire	(P) 2276 06	6522 00	June 15, 1987	Jan. 18, 1988	8	4	7½	4	9½
79. Apr. 21, 1987	Massachusetts	(P) 2277 06	6524 00	June 18, 1987	Jan. 18, 1988	8	4	7½	4	9½
80. Apr. 22, 1987	Texas	(S)	6523 01		Dec. 15, 1987				4	9½
81. Apr. 23, 1987	New Jersey	2278 06	6525 00	June 22, 1987	Jan. 25, 1988	8	4	7¾	4	9½
82. Apr. 27, 1987	California	(S)	6526 01		Dec. 17, 1987				4	9½
83. May 5, 1987	Minnesota	(S)	6527 01		Dec. 28, 1987				4	9½
84. May 5, 1987	Texas	(S)	6528 01		Dec. 30, 1987				4	9½

[1] Secretary of Agriculture.
[2] Presidential.
[3] Small Business Administration.
[4] Home—Credit Elsewhere.
[5] Home—No Credit Elsewhere.
[6] Business—Credit Elsewhere.
[7] Business—No Credit Elsewhere.

Mr. HOLLINGS. Mr. President, as I indicated previously, if additional funds are not provided, there would be a significant fall off in service to all disaster victims all over the country. The work required by these disasters consists of processing loans, verifying damages and losses, and disbursing loans. The disbursement of a loan is a long process in which loan funds are disbursed as each borrower completes replacement or repair of damaged or destroyed property. Actual full disbursement can occur in as little as 1 month or as long as over 1 year, depending upon how long the borrower takes to complete and return legal documents and market the necessary repairs. If no additional disasters occur during the rest of the fiscal year, most of the workload for the year would consist of closing—existing—loan approvals. In addition, the agency is required to participate in manning the various disaster assistance centers. Currently there are 25 active centers. These centers are established by FEMA in response to a Presidential disaster declaration and require three or four SBA employees along with employees from other departments and agencies. Without the additional funding, SBA will be forced to reduce significantly, and in some cases entirely, our participation in these centers.

Finally, Mr. President, in accordance with the requirements to keep amendments outlay neutral, we have offset the increase by transferring $8 million from the business loan and investment funds and $2 million from the amount currently appropriated for the small business development centers. While I would rather not make those transfers, continuation of disaster loan

making must have the higher priority and we must conform to the overall fiscal constraints.

In addition, SBA has advised of additonal receipts of $3.5 million than was projected for 1987.

Mr. HOLLINGS. Mr. President, we have made this revenue neutral, I say to the distinguished chairman and acting manager of the bill.

I move adoption of the amendment.

Mr. HATFIELD. Mr. President, we have gone along with a fairly uniform procedure, I would say to the Senator from South Carolina. Under Gramm-Rudman-Hollings the Budget Committee is assigned the task of scoring these amendments. I would like to make a legislative record that we are being consistent with our management procedures by asking the chairman of the Budget Committee if the amendment has been scored by the Budget Committee and, if it has been, what is its budgetary impact.

Mr. HOLLINGS. I will repeat, we have offset the increase by transferring $8 million from the business loan and investment fund and $2 million from the amount appropriated for small business development centers. That can be checked with both Senator BUMPERS and Senator WEICKER, the chairman and the ranking member on the authorizing side, as well as the appropriations Committee.

Mr. HATFIELD. I wonder if the Senator would agree to a quorum call for a few moments to give the Budget Committee an opportunity to give a formal statement. I would say to the Senator from South Carolina I want to make it very clear we have had about five amendments this morning and on each one—Senator HEINZ, Senator DIXON, and others—we have gotten the formal ruling in order to carry out the procedure that is imposed upon us by the Gramm-Rudman-Hollings amendment to the Budget Act, and we feel as appropriators we should abide by that procedure. And so we have asked for that formal ruling from the Budget Committee in conjunction with their consultation with the CBO. If the Senator from South Carolina would be willing to temporarily lay this aside for the possibility of entertaining other amendments, it would be done without prejudice of any kind against his amendment. Will the Senator agree to temporarily laying aside his amendment?

Mr. HOLLINGS. I am delighted to agree. I have stated what it is. I do not know what the scorekeeper is waiting on. But that is why we drew the amendment as we did, in order to comply with the procedure that the committee has adopted. I agree with that procedure and that is why the amendment is drawn accordingly. I do not know who the scorekeeper is, but I know who the author of the amendment is. That is why we have it written that way.

Mr. HATFIELD. I say to the Senator that I understand the wording of his amendment and what it purports to do. At the same time, I know as well that there are many different accounts, that some accounts spend out faster than other accounts, and so that a total figure oftentimes as an offset does not represent a real offset for budget deficit neutrality; it takes more than the round figures. I am not that well acquainted with all of the various accounts and that is why the Budget Committee and the CBO have provided us with this service.

Mr. President, I would then with the assent of the Senator from South Carolina ask unanimous consent to temporarily lay aside his pending amendment without any prejudice to that amendment for the possibility of entertaining other amendments.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

AMENDMENT NO. 227

Mr. CHILES. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. CHILES] proposes an amendment numbered 227.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

"SEC. . None of the funds made available by this or any other Act for fiscal year 1987 for Health Care Financing Administration Program Management activities shall be used to promulgate or enforce any rule, regulation, instruction, or other policy having the effect of establishing a mandatory holding of Medicare claims processing or payments."

Mr. CHILES. Mr. President, this amendment will prevent the Health Care Financing Administration from establishing a mandatory holding of Medicare claims for processing and payment. We have recently learned that the Health Care Financing Administration is planning to slowdown the payment of electronic media claims to 10 days in July of 1987 and to 18 days in September of 1987. These actions are absolutely contrary to the intent of Congress in establishing the prompt payment legislation for Medicare claims. Congress enacted the prompt payment legislation so that the claims could be paid in a timely manner. Congress clearly intended to set a ceiling and not a floor for the payment of Medicare claims. There was never any intention to buildup backlogs or to hold claims for payment.

There are several reasons why setting a mandatory floor for the payment of claims is a very bad idea.

If payments to providers, especially physicians, are slowed down and delayed, we are going to be discouraging those physicians from taking assignment. Those doctors will insist the beneficiary pay the additional cost between the Medicare-approved fee and the physician's fee and that reduced cash flow is going to make it more difficult for them to meet payroll and pay their bills in a timely manner. And that is another additional disincentive to accept assignment.

For physicians on 1-year contract, it is unfair to change the rules in the middle of the year. Actions of this type will again discourage physician participation in the future.

In addition to the increased cost of computer system changes and increased computer storage, there is going to be increased costs for handling more inquiries and for duplicate claim submission. Furthermore, doctors and providers will be discouraged from automating their processing. As a result of that, the administrative cost for processing paper claims is going to increase.

The 1986 reconciliation bill provides that participating physicians will be paid within 19 days as of October 1, 1987, but by holding on to electronic media claims for 18 days in September the intermediaries will be most unlikely to meet that standard. The proposed floors could result in the inability of the intermediaries to meet prompt payment standards and, if that happens, the periodic interim payment, the PIP program will be reinstated. Under that system, payments are made more frequently than under the prompt payment system and that will result in increased trust fund outlays.

Mr. President, this amendment does not require any additional funding. It has been cleared by the Congressional Budget Office in that regard.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHILES. Both the manager of the bill and the ranking minority member have been given copies of the amendment.

Mr. JOHNSTON. Mr. President, we have examined the amendment and we have no objection to the amendment.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side.

Mr. CHILES. I yield back any time I might have.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 227) was agreed to.

Mr. MELCHER addressed the Chair.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I will yield to my friend from Arizona in just a moment. We have pending an amendment on oil shale claims that started, I believe, around 3 o'clock. I believe we have worked it out now satisfactorily to both sides of the aisle. At the appropriate time I would like to go back to that, get the amendment modified, and then get the modified amendment accepted.

Mr. BINGAMAN. Will my friend yield?

Mr. MELCHER. Yes, I do yield to my friend from Arizona for a statement or question or whatever.

Mr. DECONCINI. Mr. President, I ask the distinguished Senators from Wyoming and Montana if they would let me make a unanimous-consent request to set aside their amendment for less than 1 minute. The amendment that was pending, the DeConcini amendment, has now been cleared by CBO, has no budgetary effect whatsoever, and is ready to be accepted, and I could get that one out of the way if the Senator will yield.

Mr. MELCHER. Mr. President, I ask unanimous consent that the Senator from Arizona be recognized on his amendment and that immediately following that I would be recognized on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

AMENDMENT NO. 224

Mr. DECONCINI. Mr. President, the arguments have been made on behalf of this amendment. We have now been advised by CBO that it is revenue neutral and that there is no budget impact whatsoever and the majority and minority I understand have been so advised and have cleared the amendment. It is ready for adoption, I believe.

Mr. JOHNSTON. Mr. President, the amendment has been cleared.

Mr. HATFIELD. Mr. President, the amendment has been cleared on our side of the aisle.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senator from Florida appear as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 224) was agreed to.

Mr. DECONCINI. I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I thank the distinguished Senators from Montana and Wyoming and also the managers of the bill for their cooperation, and also the Budget Committee.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 222 AS MODIFIED

Mr. MELCHER. Mr. President, I send a modification of my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), proposes an amendment numbered 222, as modified.

Mr. MELCHER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

None of the funds in this or any other Act shall be available prior to March 31, 1988, to issue a patent for an oil shale mining claim located prior to enactment of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 181, et seq., 41 Stat. 437) as provided for under the General Mining Law of 1872, as amended (30 U.S.C. Sec. 22, et seq., 17 Stat. 91) except for patent applications C-012327, C-016671, C-023661, C-41836, C-43354, C-39464, C-38579, C-38402, C-35080, C-36293:

Mr. MELCHER. Mr. President, this amendment as now modified is not an unlimited time that the Department of the Interior would be prevented from issuing patents on these oil shale claims. The amendment as I offered it earlier this afternoon simply stated that nothing would be done on these claims, with the exception of two, until Congress acted. Senators WALLOP and GARN have appropriately pointed out, "Well, can we be sure Congress is going to act? Why hasn't the Senator from Montana done something about it prior to now? Why come to the floor on an appropriations bill?"

Mr. President, I have to concede that that is a fair criticism of myself.

The PRESIDING OFFICER. Can we have order in the Chamber so that Senators may be heard.

Mr. MELCHER. Thank you, Mr. President. The points that Senator WALLOP and Senator GARN made were very valid points. Now, in the past hour, hour-and-a-half, we have been discussing this with particularly my colleague from Colorado, Senator WIRTH, and this compromise has been worked out to put the date that nothing be done on issuing patents for oil shale mining claims until March 31, next spring, and there will be more than two of these claims that are now being processed being exempted. In fact, there is a total of 10 in this amendment as modified, each of them identified. I think it takes care of the difficulties that the Senator from Wyoming, the Senator from Utah, and others found with the amendment I proposed.

I welcome this modification. I believe this will give us enough time in the Energy Committee to consider the matter and to lay out whatever corrections there should be in the statute.

Mr. WALLOP. Mr. President, I thank the Senator from Montana and the Senator from Colorado. I appreciate that Senator MELCHER has clarified that the modified amendment does not affect the eight pending patent applications, not does it attempt to affect final processing of the two remaining claims involved in the Tosco settlement.

This amendment would not affect new applications in their processing but would block any issuance on any new applications until March 31, 1988, except for the eight pending and the two Tosco applications.

That is my understanding, and I believe it is the understanding of the Senator from Montana, and I believe that in his statement that was as he stated it.

Mr. JOHNSTON. Mr. President, this is an excellent solution to a difficult problem.

I congratulate the Senator from Montana [Mr. MELCHER], the Senator from Colorado [Mr. WIRTH], and the Senator from Wyoming [Mr. WALLOP]. If no one else is on the floor, they do not deserve congratulations.

Mr. President, this is an excellent solution, and we accept the amendment.

Mr. WALLOP. Mr. President, I believe the Senator from Wyoming still has the floor. I thank the Senator from Louisiana. I was just seeking affirmation from the Senator from Montana as to my question.

Mr. MELCHER. The Senator from Wyoming [Mr. WALLOP], my friend, has correctly stated that there are 10 exemptions of oil shale mining claims that are not covered, not restricted, by the language of this amendment. They are identified by those numbers.

Mr. WALLOP. I thank the Senator from Montana. That would not block any processing, just the issuance of patents.

Mr. WIRTH. Mr. President, I commend and thank the Senator from Montana and the Senator from Wyoming.

Senator ARMSTRONG is particularly concerned that we not try to breach the patent applications already filed. The compromise worked out took care

of the concerns of the senior Senator from Colorado.

Mr. President, this amendment will not take away anyone's mining claims. This amendment will do no more than give the Congress a chance to review this whole issue. It merely instructs the Department of the Interior not to issue patents for additional oil-shale mining claims until the Congress has had a chance to review the situation and decide if substantive legislation is needed.

This Senator believes that the Congress ought to take a look at this problem. As a member of the Energy and Natural Resources Committee, along with the distinguished Senator from Montana, I intend to do that. And once the committee has acted, the entire Senate will have a chance to be heard on this issue.

This amendment will give the Senate the time to take a look at the problem—it does no more than that.

Last year, the Department of the Interior decided not to appeal a district court decision, and settled one of the many lawsuits on this issue. The result was that 82,000 acres of Federal land in my own State of Colorado ended up in private hands. The selling price for these lands—for mining claims filed more than 60 years ago—was $2.50 an acre.

The Department has told the Congress that this was a great deal.

But the Department would not let the lawyers who worked on this issue testify before a House committee last year. Those lawyers said that the Department should challenge the mining claims.

The Department would not let the BLM's State director testify last year—even though the State director's predecessor had pleaded with the Department to continue its challenge to these claims.

Mr. President, the Denver Post said that the Government should never have given up its lawsuit—and counseled a long, hard look at these claims.

The Rocky Mountain News said this deal looked a lot like a land grab.

And many Coloradans told me that they thought this was a lousy deal.

I have to agree with them. This Senator believes that the Congress should take a long, hard look before we let the Interior Department sell any more public lands for $2.50 an acre.

A great deal is at stake here. Another 100,000 acres of public lands in my State alone could be sold because someone filed a mining claim more than 60 years ago; 116,000 acres in Utah are on the auction block. And 54,000 acres in Wyoming could be sold for $2.50 an acre.

This looks like a land grab to me. I believe it is wrong.

But the Senate does not have to decide that question today. All that this amendment does is tell the Interior Department not to issue any more patents for public lands, until the Congress has had a chance to consider this issue.

The House is scheduled to take up legislation on this issue tomorrow. As a member of the Senate Energy Committee, I intend to work with the distinguished Senator from Montana in scheduling hearings.

This amendment will give the Senate the time it needs to consider these oil shale claims and decide what ought to be done.

This amendment is needed to protect the public lands in the West, Mr. President. It is needed to protect habitat for mule deer, antelope, and elk. And it is needed to make sure that there are no more bargain basement sales of the public lands.

Mr. President, I urge the adoption of this amendment.

I ask unanimous consent to have printed in the RECORD two editorials in connection with this matter.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain (CO) News, Aug. 6, 1986]

VALUABLE COLORADO LAND GOING, GOING AND GONE

Great land grabs of the past usually brought a circling of the wagons and a fight to the finish. The latest one in Colorado is ending with barely a whimper.

Where were the heroes to save about 190,000 acres of Colorado's richest territory from oil companies who long ago filed claims for mineral rights and are winding up carrying off the whole shebang? Where was 3rd District Congressman Mike Strang who it seems, actually blocked a review by Congress that would at least have forestalled selling this land for $2.50 an acre? Strang must have been off studying law books and deciding that once something has gone to court, Congress should keep its paws off. That kind of thinking has never stopped our national legislature before, as witness the proposed school prayer and right-to-life amendments.

It's true the claims case is an old one, limping along for 25 years or more. Unfortunately, there seems to be more incentive to end it than to end it properly. It may be a long time for a case to gather spiders, but it's not long enough unless the interests of the public prevail.

In all, the settlement affects some 360,000 acres in Colorado, Utah and Wyoming—about 2,200 claims for oil shale and other minerals. Some of the claims were filed before the 1920s but never developed. Some of the mineral leases went for a few cents an acre. Unfortunately, during that time government didn't do much to see that claims were kept up to date and records properly filed.

The drawn-out case brought by Tosco Corp. and other claimants came to a conclusion in May 1985 in the U.S. District Court of Judge Sherman G. Finesilver, who ruled that the claims of Tosco and the others were valid. The Interior Department and Justice Department filed an appeal. It would not be the first time such a case had gone to the U.S. Supreme Court. But suddenly, in what appears to be a political decision rather than a legal one, the government decided to settle.

In the agreement, which becomes valid when signed by Finesilver, the oil companies will have not only mineral rights to federal land but full title—for the paltry sum of $2.50 an acre. During the oil shortage of the 1970s, the government sold leases in this area for up to $40,000 an acre. Something's been sold, all right. And someone's been sold out.

Among the latter are taxpayers, who will see no revenues from minerals taken from this land, ranchers who now graze cattle there under grazing permits that, once expired, will sell for whatever the new owners charge. Water rights are to be given up by the federal government and will have to be negotiated with the states.

It's the grandest sell-out in many years—360,000 acres of public land turned over to private interests. Recreation, mining, farming, hunting all will be permitted with the good grace of the land owners. It may be true that the case had become a colossal bore. It may be that Finesilver should be congratulated for bringing it to an end. That's not how it looks from here.

[From the Denver (CO) Post, Aug. 7, 1986]

LAND FOR SALE—CHEAP

Interior Secretary Donald Hodel is due to visit Colorado over the next few days. The trip should give him ample opportunity to explain why the federal government just agreed to let go of 82,000 acres of oil-shale land on the western slope for a measly $2.50 an acre.

Mike Strang, the Republican congressman who represents the area, characterized the agreement as "the best that could be expected." But his colleague, Morris Udall, House Interior Committee chairman, described it as "morally wrong" and an "abdication of the public trust."

It's true that the adbsurdly low price was fixed by Congress more than a century ago, and that the new owners—mainly Tosco, Exxon, Union Oil and the family that once owned the Lake Eldora ski resort—sought title under long-established mining laws. It's also true that the agreement, will give the government the rights to any coal, oil and natural gas that may underlie the properties.

But on the other hand, it's possible that the original claims may have been fraudulently filed, and that the oil-shale deposits may never prove valuable enough to dig up and turn into fuel—and thus many never justify the decision to turn over the surface land to private interests to do with as they please.

So it's hard to understand why the Reagan administration chose to settle the longstanding legal dispute over the claims, rather than to appeal an adverse ruling handed down by a federal district judge in Denver last year. And in view of the far-reaching implication of the case, it's especially hard to figure out why Hodel and his forces negotiated the deal in such a surreptitious manner.

Udall has scheduled a hearing next Tuesday to seek answers to these questions. He and Hodel's other critics in Congress may not be able to overturn the settlement reached this week, of course. But they may be able to keep some 280,000 additional acres of public land in Colorado, Utah and Wyoming from being forfeited in the same way.

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It's important to realize that while the tracts are not all contiguous, they together represent an enormous amount of public domain. The 280,000 acres that still could be lost, for instance, total more than the entire Dinosaur National Monument.

At the very least, any further deals should bring a far higher price and prove much stronger guarantees that public access would not be denied. Putting such real estate in private hands not only deprives the federal and state governments of possible mineral royalties, but also limits use of the land for grazing, water storage or recreation—particularly deer hunting, an economic mainstay in western Colorado.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MELCHER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, whose amendment is now before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from Montana [Mr. MELCHER].

Mr. BYRD. I ask unanimous consent that the vote occur on the Melcher amendment immediately following the disposition of the amendment by Mr. DIXON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, whose amendment now is before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from South Carolina [Mr. HOLLINGS].

Mr. BYRD. Mr. President, what amendment is backed up behind the amendment by Mr. HOLLINGS?

The PRESIDING OFFICER. The amendment of the Senator from Ohio [Mr. METZENBAUM].

Mr. BYRD. I thank the Chair.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside in order that the Senator from North Carolina [Mr. SANFORD] may propose an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

AMENDMENT NO. 228

(Purpose: To provide that funds made available to carry out the emergency disaster assistance program may also be used to make additional payments required by the Farm Disaster Assistance Act of 1987)

Mr. SANFORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. SANFORD] for himself and Mr. HELMS and Mr. BOREN proposes an amendment numbered 228:

On page 80, line 19, insert after "claim" the following: "and to make additional payments required by the amendments to such section made by the Farm Disaster Assistance Act of 1987".

Mr. SANFORD. Mr. President, I am today introducing an amendment that would correct an oversight in the 1987 supplemental appropriations bill relating to farm disaster assistance. My amendment would simply clarify that the $135 million appropriated in this bill will be used to provide relief to all eligible producers under section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act for 1987.

We all know that this is a difficult period for our farmers. And we all know that many agricultural producers suffered greatly from natural disasters in 1986—disasters such as drought, flood, or freeze that only added to considerable stress already present in our farm economy.

The Congress acted promptly to provide assistance, and in so doing has without a doubt kept many farmers in business. But last year's disaster assistance program, effective though it was, inadvertently excluded some producers. We have corrected such oversights in passing H.R. 1157, the Farm Disaster Assistance Act of 1987, which I am advised the President has just signed into law. H.R. 1157 means a great deal to many farmers—not just those who were unable to receive full payment on last year's claims, but also those producers of cotton, rice, sugar beets, apples, and other crops who were left out in 1986.

My amendment would simply ensure that the disaster assistance funds we are appropriating today can be used to relieve all producers eligible under section 633(B) of last year's appropriations bill, including the new programs set up under H.R. 1157. The amendment will add no new funding. It does not specify a particular allocation between new and old programs. It would simply extend the philosophy we expressed in H.R. 1157—if producers left out of last year's programs by oversight have now been made eligible for relief, it stands to reason that they should be eligible for a portion of the funds we are now appropriating.

This amendment would allow relief to go where it is desperately needed. In my State of North Carolina, our apple growers have suffered through three severe freezes in the last 5 years—the worst of which was last year's. We are normally one of the top six or seven apple-producing States, with production of around 10 million bushels a year. Last year we produced just 2 million bushels, due to the severe freeze and drought conditions experienced in western North Carolina.

Our apple farmers need relief now—they cannot afford to wait for a later appropriation. And I am advised that many of the other farmers whose problems were addressed in H.R. 1157 need relief now—including cotton producers in the South, sugar producers in the West, producers in the State of Maine, and others. My amendment will ensure they can get much-needed assistance.

Mr. President, this amendment is cosponsored by Senator HELMS, and we will determine whether or not we have approval from the minority manager.

Mr. JOHNSTON. Mr. President, as I understand it, this amendment is debt neutral, in that it does not increase the pot from which these claims are paid, but simply recognizes that legislation signed into law by the President earlier today, which adds some additional crops—I believe apples is one—can be paid from moneys already appropriated and in the pot.

Therefore, it is deficit neutral, and I understand that it has the support of the distinguished chairman of the Agricultural Appropriations Committee, Mr. BURDICK, who is on the floor at this time.

Am I correct?

Mr. SANFORD. That is my understanding.

Mr. JOHNSTON. Mr. President, we accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. JOHNSTON. Mr. President, I understand that Senator Hatfield would like a moment's delay. So, if the Senator from North Carolina has no further debate at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 228) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SANFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, we have about 5 minutes left until the first vote starts. If anyone in the Chamber has another amendment at this time, we can handle one more before the vote starts.

If not, I suggest the absence of a quorum.

Mr. HATFIELD. Mr. President, will the Senator withhold a moment?

Mr. JOHNSTON. I withhold.

Mr. HATFIELD. May I inquire of the Chair if we have had a report back from the Budget Committee on the scoring on the Metzenbaum amendment and/or the Hollings amendment?

The PRESIDING OFFICER. It appears that the Metzenbaum amendment would cause the appropriate level of total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for fiscal year 1987 to be exceeded by the amount of $500,000.

Mr. HATFIELD. I thank the Chair.

Is there a report on the Hollings amendment?

The PRESIDING OFFICER. The Chair has not been informed on the Hollings amendment.

Mr. HATFIELD. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE AMENDMENT—PAGE 23, LINES 14-20

Mr. BENTSEN. Mr. President, I ask unanimous consent that the language on page 23, lines 14 through 20, be deemed a committee amendment and that that amendment be deemed tabled. This action will allow important language regarding the Battleship *Texas* to be restored. My amendment has been cleared with the managers of the bill.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BENTSEN. Mr. President, last year the Congress approved spending $5 million to help match private contributions to restore the battleship *Texas.* That proud ship was in a shocking condition of disrepair. It needed immediate structural repairs to avoid complete deterioration. The Congress agreed that it would be appropriate to help restore that historic ship for current and future generations to visit and admire.

My amendment today adds no additional money to this project, but rather sets conditions so that the intent of Congress can be carried out without additional delays or complications. Those conditions are that none of the funds may be given for remuneration for fundraising activities for this project and that the restoration grant should go to the Texas Parks and Wildlife Department rather than the original designee, the Battleship *Texas* Advisory Board.

Without those conditions, there is a possibility of a continuing dispute over the payment of Federal funds for remuneration of fund raising, something which I do not believe Congress wants or intended. Recently the Texas Parks and Wildlife Commission formally adopted a resolution pledging to devote all of the Federal grant to the restoration project.

The House of Representatives has already adopted this clarifying language. My amendment would put the Senate on record in support of the same conditions so that this worthy project can move ahead at full speed.

Mr. JOHNSTON. Mr. President, the amendment has been cleared on this side.

Mr. HATFIELD. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BENTSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, what is the question on which the Senate will be voting?

The PRESIDING OFFICER. The Senate will first be voting on the Melcher amendment No. 219.

Mr. BYRD. I thank the Chair.

Mr. President, I suggest the absence of a quorum, and I suggest that the cloakrooms advise Senators that votes are about to begin.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 219

The PRESIDING OFFICER. The hour of 5:15 p.m. having arrived, the Senate will now proceed to vote on the Melcher amendment No. 219. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—95

Adams	Glenn	Nickles
Armstrong	Graham	Nunn
Baucus	Gramm	Packwood
Bentsen	Grassley	Pell
Bingaman	Harkin	Pressler
Bond	Hatch	Proxmire
Boren	Hatfield	Pryor
Boschwitz	Hecht	Quayle
Bradley	Heflin	Reid
Breaux	Heinz	Riegle
Bumpers	Helms	Rockefeller
Burdick	Hollings	Roth
Byrd	Humphrey	Rudman
Chafee	Inouye	Sanford
Chiles	Johnston	Sarbanes
Cochran	Karnes	Sasser
Cohen	Kassebaum	Shelby
Conrad	Kasten	Simon
Cranston	Kerry	Simpson
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stafford
Daschle	Levin	Stennis
DeConcini	Lugar	Stevens
Dixon	Matsunaga	Symms
Dodd	McCain	Thurmond
Dole	McClure	Trible
Domenici	McConnell	Wallop
Durenberger	Melcher	Warner
Exon	Metzenbaum	Weicker
Ford	Mikulski	Wilson
Fowler	Mitchell	Wirth
Garn	Moynihan	

NOT VOTING—5

Biden	Gore	Murkowski
Evans	Kennedy	

So the amendment (No. 219) was agreed to.

The PRESIDING OFFICER. The question now occurs on the Heinz motion to waive the Budget Act for consideration of the Heinz amendment No. 207.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

The managers and some of the rest of us have had a rather difficult time today trying to get amendments up and a good bit of time went by in quorum calls and so on. I hope we do not have a repeat of this tomorrow.

ORDER OF BUSINESS TOMORROW

Mr. BYRD. I understand Mr. DOLE and Mr. GRASSLEY have an amendment. I talked to Mr. DOLE a while ago and he said it would be all right for me to get consent for that amendment to be in order immediately tomorrow morning, after the vote which will occur, I believe, at 10 a.m. I, therefore, make that request now that the amendment by Mr. DOLE and Mr. GRASSLEY be the pending amendment following the vote on tomorrow morning which is scheduled already.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. BYRD. Mr. President, I hope that other Senators will work with our staffs during the remainder of the afternoon and I hope that staffs will contact Senators in an attempt to get Senators lined up for amendments on tomorrow.

Mr. CRANSTON. If the leader will yield, I would like to call up my homeless funding amendment tomorrow. It passed the Senate by an overwhelming majority. If we could work that out, I would be delighted to have that taken up tomorrow.

Mr. BYRD. I thank the able majority whip.

Mr. President, I ask unanimous consent that the amendment by Mr. CRANSTON follow the amendment by Mr. DOLE and Mr. GRASSLEY tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEN MINUTE ROLLCALLS

Mr. BYRD. Mr. President, this request has been cleared with Mr. DOLE. I ask unanimous consent that all remaining rollcall votes today be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

VOTE ON BUDGET WAIVER—AMENDMENT NO. 207

Mr. BYRD. Mr. President, would the Chair state the question so the Senators will know what the question is?

The PRESIDING OFFICER. The question now occurs on the Heinz motion to waive the Budget Act for consideration of the Heinz amendment No. 207.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 21—as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—74

Adams	Fowler	Moynihan
Baucus	Glenn	Packwood
Bentsen	Graham	Pell
Bingaman	Grassley	Pressler
Bond	Harkin	Pryor
Boren	Hatch	Quayle
Boschwitz	Hatfield	Reid
Breaux	Hecht	Riegle
Bumpers	Heflin	Rockefeller
Burdick	Heinz	Roth
Byrd	Hollings	Sanford
Chafee	Johnston	Sarbanes
Cochran	Karnes	Sasser
Cohen	Kerry	Shelby
Cranston	Lautenberg	Simon
D'Amato	Leahy	Simpson
Danforth	Levin	Specter
Daschle	Matsunaga	Stennis
DeConcini	McCain	Stevens
Dixon	McClure	Thurmond
Dodd	McConnell	Wallop
Dole	Melcher	Weicker
Domenici	Metzenbaum	Wilson
Durenberger	Mikulski	Wirth
Ford	Mitchell	

NAYS—21

Armstrong	Helms	Nunn
Bradley	Humphrey	Proxmire
Chiles	Inouye	Rudman
Conrad	Kassebaum	Stafford
Exon	Kasten	Symms
Garn	Lugar	Trible
Gramm	Nickles	Warner

NOT VOTING—5

Biden	Gore	Murkowski
Evans	Kennedy	

So the motion to waive the Budget Act was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 21. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the point of order is waived and the question is on the amendment.

The yeas and nays have been ordered.

Mr. HEINZ. Mr. President, the Senate has voted overwhelmingly to waive the Budget Act on this amendment, the Heinz amendment. I ask unanimous consent to waive the yeas and nays on the amendment.

Mr. KASTEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

VOTE ON AMENDMENT NO. 207, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 7, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—88

Adams	DeConcini	Johnston
Baucus	Dixon	Karnes
Bentsen	Dodd	Kassebaum
Bingaman	Dole	Kasten
Bond	Domenici	Kerry
Boren	Durenberger	Lautenberg
Boschwitz	Exon	Leahy
Bradley	Ford	Levin
Breaux	Fowler	Lugar
Bumpers	Garn	Matsunaga
Burdick	Glenn	McCain
Byrd	Graham	McClure
Chafee	Grassley	McConnell
Chiles	Harkin	Melcher
Cochran	Hatch	Metzenbaum
Cohen	Hatfield	Mikulski
Conrad	Hecht	Mitchell
Cranston	Heflin	Moynihan
D'Amato	Heinz	Nickles
Danforth	Hollings	Nunn
Daschle	Inouye	Packwood
Pell	Sarbanes	Thurmond
Pressler	Sasser	Trible
Pryor	Shelby	Wallop
Quayle	Simon	Warner
Reid	Simpson	Weicker
Riegle	Specter	Wilson
Rockefeller	Stafford	Wirth
Roth	Stennis	
Sanford	Stevens	

NAYS—7

Armstrong	Humphrey	Symms
Gramm	Proxmire	
Helms	Rudman	

NOT VOTING—5

Biden	Gore	Murkowski
Evans	Kennedy	

So the amendment (No. 207) was agreed to.

VOTE ON BUDGET WAIVER—AMENDMENT NO. 220

The PRESIDING OFFICER. The question is on the motion to waive section 311(a) of the Budget Act in response to the point of order against the amendment of the Senator from Illinois. The yeas and nays have been ordered.

Mr. CHILES. Mr. President, I ask unanimous consent to be able to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. May we have order so that Senators may listen to Mr. CHILES.

Mr. CHILES. Mr. President, in the recent action that we took, we voted to waive the Budget Act. I just want to point out I raised the budget point of order on the Heinz amendment because the Congressional Budget Office had told us it was not deficit neutral; it did cause an outlay of expense.

I just want to point out that we are dealing in a situation now in which we have already exceeded, before this bill came to the floor, we exceeded our budget resolution by $13.3 billion in outlays. This bill, as it came out of committee, added another $2.9 billion in outlays.

Based on what I felt was the job the committee had tried to do and that there were some emergency items in the bill, I had agreed to seek a budget waiver on that figure as it came out of the committee. I carefully said that I did not include that to be if we added amendments on the floor.

I just think that everything we vote on in the way of an appropriation is good. I never voted for a bad one. It all helps somebody. They all have a constituency.

The whole thing of trying to pass the Budget Act to start with, and then Gramm-Rudman-Hollings after that, which contained these kinds of provisions, was that at some stage we were going to say we only have so many dollars in the store and we have to set those dollars and how we are going to go about doing that. That is what I thought we were trying to do.

The reason for the waiver is so that the body, by 60 votes, can decide if it

wants to do that. I am not trying to say they cannot do that. They can.

The Senator from Florida has made the waiver, required the point on all of the bills that were offered. I intend to try to continue doing that if they are materially over at all.

But I will not support a waiver on the overall bill if it is going to continue to grow. Then I guess everybody makes up their minds on that. But I just wanted to raise that point.

The PRESIDING OFFICER. The question is on the motion to waive. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 62, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—33

Adams	Dixon	Metzenbaum
Bingaman	Dodd	Mikulski
Bradley	Ford	Mitchell
Bumpers	Harkin	Reid
Burdick	Heinz	Riegle
Cochran	Kerry	Rockefeller
Cohen	Lautenberg	Sarbanes
Cranston	Levin	Shelby
D'Amato	Matsunaga	Simon
Daschle	McCain	Specter
DeConcini	Melcher	Wilson

NAYS—62

Armstrong	Grassley	Pell
Baucus	Hatch	Pressler
Bentsen	Hatfield	Proxmire
Bond	Hecht	Pryor
Boren	Heflin	Quayle
Boschwitz	Helms	Roth
Breaux	Hollings	Rudman
Byrd	Humphrey	Sanford
Chafee	Inouye	Sasser
Chiles	Johnston	Simpson
Conrad	Karnes	Stafford
Danforth	Kassebaum	Stennis
Dole	Kasten	Stevens
Domenici	Leahy	Symms
Durenberger	Lugar	Thurmond
Exon	McClure	Trible
Fowler	McConnell	Wallop
Garn	Moynihan	Warner
Glenn	Nickles	Weicker
Graham	Nunn	Wirth
Gramm	Packwood	

NOT VOTING—5

Biden	Gore	Murkowski
Evans	Kennedy	

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 62. Three-fifths of the Senators duly chosen not having voted in the affirmative, the waiver motion is not agreed to. The point of order is well taken. The amendment falls.

Mr. DIXON. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, the Senate has just refused to appropriate moneys for summer youth jobs and take the money from the World Bank, which is going to give $200,000 a head to 390 people of the World Bank who do not deserve the money and have adequate salaries. I want to tell my colleagues I shall offer an amendment tomorrow to take out the $78 million for $200,000-golden parachutes for people at the World Bank.

Mr. GRAMM. Mr. President, I ask unanimous consent to speak out of order for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, had the distinguished Senator from Illinois been serious about this amendment, he would not have cut a program that is spending out. Instead, by claiming to take $100 million out of the World Bank when no outlays were coming out of that program and adding it to a program where $85 million out of the $100 million would have been spent this year, the effect of that amendment was to raise the deficit of $85 million. I submit to our colleague if he is serious about this program, cut some real program that is going to spend out and there will be no point of order on it. Then Members can decide on the merits of the two programs. This is simply playing games and raising the deficit in the process. That is why it failed and richly deserved to fail.

AMENDMENT NO. 222 AS MODIFIED

Mr. BYRD. Mr. President, this will be the last rollcall vote today. I urge Senators to be here at 10 o'clock tomorrow morning, because there is a rollcall vote that will occur at 10 o'clock tomorrow morning. I hope we do not have to hold that vote for 35 minutes. I urge Senators to be here and ready to vote.

I thank all Senators.

The PRESIDING OFFICER. The question is on agreeing to the Melcher amendment (No. 222). The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1—as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—94

Adams	Glenn	Nickles
Armstrong	Graham	Nunn
Baucus	Gramm	Packwood
Bentsen	Grassley	Pell
Bingaman	Harkin	Pressler
Bond	Hatch	Proxmire
Boren	Hatfield	Pryor
Boschwitz	Hecht	Quayle
Bradley	Heflin	Reid
Breaux	Heinz	Riegle
Bumpers	Helms	Rockefeller
Burdick	Hollings	Roth
Byrd	Humphrey	Rudman
Chafee	Inouye	Sanford
Chiles	Johnston	Sarbanes
Cochran	Karnes	Sasser
Cohen	Kassebaum	Shelby
Conrad	Kasten	Simon
Cranston	Kerry	Simpson
D'Amato	Lautenberg	Specter
Danforth	Leahy	Stafford
Daschle	Levin	Stennis
DeConcini	Lugar	Stevens
Dixon	Matsunaga	Thurmond
Dodd	McCain	Trible
Dole	McClure	Wallop
Domenici	McConnell	Warner
Durenberger	Melcher	Weicker
Exon	Metzenbaum	Wilson
Ford	Mikulski	Wirth
Fowler	Mitchell	
Garn	Moynihan	

NAYS—1

Symms

NOT VOTING—5

Biden	Gore	Murkowski
Evans	Kennedy	

So the amendment (No. 222), as modified, was agreed to.

Mr. LEVIN. Mr. President, I voted in favor of waiving the point of order on the Dixon amendment because the amendment makes a good-faith effort to be deficit neutral by seeking an offset for funding for the World Bank. The fact that it does not comply with the Budget Act in a very technical sense must be weighed against the very real benefit of this program for thousands of young people in our country. Unless additional funds are provided for this program the allocation for my State of Michigan will be almost 30 percent less than last year. In the city of Detroit, this cutback would result in 2,500 fewer summer youth jobs. The unemployment situation in our Nation has not improved so much that we can afford to sit back.

Mr. ARMSTRONG. Mr. President, I commend the efforts of Senators for reaching a compromise on the amendment (No. 222) concerning a moratorium on the issuance of patents for oil shale claims.

The proposed amendment would have imposed a moratorium on the issuance of patents on outstanding oil-shale claims on Federal lands. In part, amendment proponents question whether proper assessment work could have been done by the oil-shale claimholders on their claims, and feel that claimholders have not demonstrated they can actually produce shale oil and make it commercially available.

Opponents of the amendment state that it's a matter of law that claimholders with oil-shale claims held under the 1872 Mining Act have a right to apply for patent. Claimholders acquired equitable title to the land when they located and maintained their claims under the prevailing law. There is no requirement that they seek legal title, which they do when they apply for a patent. However, they should not have that right to receive a patent suddenly denied.

In the spirit of compromise, Senators agreed to modify this amendment so that the eight currently pending oil-shale patents will continue to be processed by the Bureau of Land Management according to law, and patents will be issued as the BLM determines.

In addition, nothing in this amendment shall affect or be construed to affect, either directly or indirectly, any patent application covered by the settlement agreement of August 4, 1986 in *Tosco* v. *Hodel* (611 F. Supp 1130) and related cases.

Those oil-shale claimholders who have yet to apply for patents may still apply. The BLM may process new patent applications, but not issue patents for those new applications until after this amendment expires on March 31, 1987.

This amendment as modified is not intended to prejudice the property rights of oil-shale claimholders, and patents still must be issued in conformance with current laws and regulations. Therefore I support the compromise amendment.

THE PENNSYLVANIA STATE UNIVERSITY AGRICULTURE SCIENCE AND INDUSTRY CENTER

Mr. SPECTER. Mr. President, I would like to address Senator BURDICK, in his role as chairman of the Appropriations Subcommittee on Agriculture, and Senator COCHRAN, the ranking minority member.

The House version of H.R. 1827, fiscal year 1987 supplemental appropriations, carries an earmark of $16,200,000 for the construction of the new agricultural science and industry facility to be located at the Pennsylvania State University.

Since agriculture is Pennsylvania's largest industry, this project is extremely important to the Commonwealth. Penn State's current facilities were constructed in the 1930's and the school is often forced to use equipment significantly inferior to that found on medium-sized private farms in Pennsylvania today.

Congress has recognized the need for this new facility. In the fiscal year 1987 continuing appropriations bill, the committee provided $1,800,000 for the planning costs associated with this facility. For fiscal year 1986, the committee provided $50,000 for a feasibility study, which produced a highly supportive report.

Because of his prior standing as ranking minority member of the subcommittee, I know that the chairman has been supportive of this project, and recognizes its importance. The same is true for Senator COCHRAN, as former chairman of the subcommittee. I have not offered an amendment to the current legislation in the hope that the Senate will recede to the House on this issue. I wonder if the chairman and ranking minority member would share their thoughts on this matter with me.

Mr. BURDICK. Mr. President, I thank the Senator from Pennsylvania for his description of the need for the construction of the agriculture center at the Pennsylvania State University. This project does appear to address important concerns of Pennsylvania and the Nation, and I hope we will be able to include it in our final bill.

Mr. COCHRAN. I appreciate the Senator from Pennsylvania's remarks and sympathize with his concerns. I will also keep his views in mind in conference and hope to be able to accommodate him.

Mr. SPECTER. Mr. President, I thank the Senators for their remarks and look forward to working with them on this urgent matter in conference.

Finally, I should point out that the Senate has allocated funds for this project that are awaiting this Federal match.

ECONOMIC DEVELOPMENT ADMINISTRATION SECTION

Mr. D'AMATO. Mr. President, I am pleased to join the senior Senator from New York and my colleagues from Illinois in offering an amendment to the fiscal year 1987 supplemental appropriations bill. The amendment would ensure the availability of previously appropriated but undisbursed local public works [LPW] funds under the Economic Development Administration [EDA] for title I projects in New York City and in Illinois.

In the case of New York City, under title I of the Local Public Works [LPW] Capital Development and Investment Act of 1976, as amended by the Public Works Development Employment Act of 1977 (Public Law 94-369), EDA awarded the city of New York $295.6 million in grant funds to cover up to 100 percent of the cost of completing 131 specific public works projects. To date, the city has expended approximately $281.5 million of these LPW funds to complete these projects. The surplus LPW funds of approximately $14.1 million are attributable in part to the fact that a number of the 131 projects were completed at a lower cost than originally planned. However, Mr. President, due to EDA's established audit close out process and New York City's right of appeal in the event of any disallowance of cost concerning a specific project subject to an audit of the original 131 projects, the total amount of surplus LPW funds previously authorized and appropriated under title I of Public Law 94-369 has not been finally determined. This means that the $14.1 million figure may not represent the final total amount of eligible undisbursed funds available to New York City.

Mr. President, under section 108(a) of Public Law 99-190, the Congress clearly indicated that any title I funds currently obligated and not disbursed shall remain available for reobligation and expenditure in the city of New York. Furthermore, Public Law 99-500 extended from September 30, 1977, until March 31, 1988, the deadline for obligation and expenditure of any funds authorized and appropriated under title I of Public Law 94-369. This 6-month extension applies in the event that the total amount of eligible undisbursed funds was not finally determined by October 15, 1986. Since the city received closeout letters for a number of the LPW project grant audits as late as November 29, 1986, and since approximately $4.2 million in disallowed costs was still under appeal through January 2, 1987, clearly no final amount was determined by October 15, 1986.

The proposed amendment being offered today to the supplemental appropriations bill would ensure that the surplus funds are obligated and expended for new title I projects in New York City. It also would clarify the spending deadline and allow sufficient time to establish the actual amount of surplus funds available to the city under the law. The amendment would provide the city with the needed flexibility to ensure that the intent of Congress in initially authorizing these funds is finally realized.

The city of New York has invested considerable effort, funds and other resources in these title I projects. They depend on the availability of critical EDA grant funds. I am pleased to support this amendment that will assist in providing vitally needed funds for job creation and local economic development. I urge the Senate to support this amendment and I commend my colleagues from Illinois and New York for their support in this effort.

Mr. NICKLES. The House-passed supplemental appropriations for fiscal year 1987 provides for $3 million for the Red Ark Development Authority. My colleague from Oklahoma [Mr. BOREN] and I support efforts such as this to provide much needed assistance to this economically depressed area of our State.

Mr. BOREN. These funds will be used for the Choctaw Regional Rural Industrial Park which will help alleviate some of the high unemployment in

a five-county area. As a consequence of these funds the rural electric co-op will be able to lower its costs of providing electricity to people in the area, a cost that has risen substantially in recent years due to outmigration of people and industry. Thus a vitally important project rests on this grant.

Mr. NICKLES. Recognizing that the chairman of the subcommittee wishes to keep amendments off this bill and respecting that desire, Senator BOREN and I approach him at this time.

Mr. BOREN. Can the chairman give Senator NICKLES and me assurances that he will make every effort to retain this funding during the conference between the House and Senate?

Mr. BURDICK. I thank the Senators for their remarks made to me here, as well as those made privately, and I appreciate the strong commitment that they have to this project as well as their understanding the difficulty I have in accepting any amendments to the bill at this time. I will certainly do what I can to see that this is seriously considered during the conference.

Mr. METZENBAUM. Mr. President, I would like to direct the chairman's attention to four small projects in Ohio.

The conference report of the Fiscal Year 1987 continuing resolution directed the U.S. Army Corps of Engineers to undertake these projects: To complete engineering and design work to stabilize the shoreline at Maumee State Park; to complete a study of the Ohio riverfront; to complete a boat launch in Sheffield Lake; and to restore the Century Park Bathing Beach at Lorain.

The administration refuses to spend the money for these projects—even though Congress has already provided the money.

The supplemental, as passed by the House, directed the corps, specifically, to undertake two of these projects.

However, that language was struck from the bill in the Senate committee.

I am prepared to offer an amendment today that would direct the administration to move these projects forward. But I understand the chairman's predicament, given the fact that there are many other projects in other States on which the administration also refuses to move.

Therefore, I would inquire of the Senator from Louisiana whether he will accept the House language with respect to the two Ohio projects in conference. And further, will he support the inclusion of the other two Ohio projects in the fiscal 1988 energy and water appropriations bill.

Mr. JOHNSTON. I appreciate the Senator's inquiry, and his restraint in withholding the amendment.

I would like to assure the Senator from Ohio that I will urge that we recede to the House position on the two projects in the supplemental, and will make every effort to include the other two projects in the fiscal year 1988 bill.

Mr. METZENBAUM. I thank the Senator for his assurances in this most important matter.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, while Mr. KARNES is the acting leader, I ask if these two resolutions have been cleared on his side for immediate consideration.

Mr. KARNES. I say to the majority leader that they have been cleared on our side.

Mr. BYRD. I thank the distinguished Senator.

RESOLUTION AUTHORIZING TESTIMONY OF SENATE EMPLOYEES

Mr. BYRD. Mr. President, I send to the desk a resolution, by myself and Mr. DOLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 221) to authorize testimony of Senate employees.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, on April 1, 1987, Keykavous Hemmati was arrested by the Capitol Police on the charge of unlawful entry when he refused to leave Senator BYRD's Hart Senate Building office after he had been requested to do so several times. The United States, which is prosecuting the case, requires the testimony of two employees in Senator BYRD's office, Joan Drummond and Carol S. Kiser. The resolution would authorize that testimony.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 221

Whereas, in the case of *United States* v. *Keykavous Hemmati*, Crim. No. 3927-87, pending in the Superior Court of the District of Columbia, the United States has obtained subpoenas for the testimony of Joan Drummond and Carol S. Kiser, two employees of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of employees of the Senate may be needed in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Joan Drummond and Carol S. Kiser are authorized to testify in the case of *United States* v. *Keykavous Hemmati*.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. KARNES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPEARANCE OF SENATE AS AMICUS CURIAE IN SUPPORT OF CONSTITUTIONALITY OF INDEPENDENT COUNSEL LAW

Mr. BYRD. Mr. President, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in defense of the constitutionality of the independent counsel law, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 222) to direct the Senate Legal Counsel to appear as amicus curiae in In re *Sealed* Case.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, on March 6, 1987, the Senate agreed to Senate Resolution 160 to direct the Senate legal counsel to appear as amicus curiae in two civil actions in the name of the Senate to defend the constitutionality of the independent counsel law, 28 U.S.C. sections 591-598. The two actions were brought by Lieutenant Colonel North and Michael Deaver against the independent counsels who were appointed to investigate them. Both lawsuits were dismissed as premature.

Lieutenant Colonel North has now initiated a new challenge to the independent counsel law which is scheduled to be heard on an expedited basis in the U.S. Court of Appeals for the District of Columbia Circuit on June 2, 1987. The underlying events in this matter are sealed because they relate to the proceedings of the grand jury. The court of appeals has ordered, however, that it will receive unsealed briefs on Lieutenant Colonel North's challenge to independent counsel Lawrence E. Walsh's authority to proceed with his investigation before the grand jury.

The following resolution will authorize the Senate legal counsel to present to the court of appeals, as a friend of the court, the reasons for sustaining the law's constitutionality.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 222

Whereas, in *In re Sealed Case,* No. 87-5168, pending in the United States Court of Appeals for the District of Columbia Circuit, the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598, which provides for the appointment, duties, and removal of independent counsels, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a) (1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *In re Sealed Case* in support of the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. KARNES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 21, 1987, the Secretary of the Senate, on May 26, 1987, during the adjournment of the Senate, received a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received on May 26, 1987, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 22, 1987, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled joint resolution:

H.J. Res. 290. Joint resolution designating May 25, 1987, as "National Day of Mourning for the Victims of the U.S.S. Stark".

Under the authority of the order of the Senate of February 3, 1987, the enrolled joint resolution was signed on May 22, 1987, during the adjournment of the Senate, by the President pro tempore [Mr. STENNIS].

MESSAGES FROM THE HOUSE

At 1:09 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1846. An act to make certain technical and conforming amendments in the Higher Education Act of 1965, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. STENNIS].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1270. A communication from the Assistant Secretary, Conservation and Renewable Energy, Department of Energy, transmitting, pursuant to law, an annual report of Federal Activities and programs in geothermal energy; to the Committee on Energy and Natural Resources.

EC-1271. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1989; to the Committee on Finance.

EC-1272. A communication from the Assistant Secretary, Legislative and Intergovernmental Affairs, U.S. Department of State, transmitting, pursuant to law, a travel advisory for the Philippines; to the Committee on Foreign Relations.

EC-1273. A communication from the Records Officer, U.S. Postal Service, transmitting, pursuant to law, a Federal Register notice of a computer matching program between the Postal Service and Department of Labor; to the Committee on Governmental Affairs.

EC-1274. A communication from the Commissioner, U.S. Sentencing Commission, transmitting, pursuant to law, his dissenting view on the promulgation of the sentencing guidelines and amendments submitted to Congress by the Commission; to the Committee on Judiciary.

EC-1275. A communication from the Chairman, U.S. Sentencing Commission, transmitting, pursuant to law, the Commission's guidelines and policy statements for the Federal courts; to the Committee on the Judiciary.

EC-1276. A communication from the Administrator, U.S. Small Business Administration, transmitting, pursuant to law, four draft bills, Statements of Need and Purpose, and Section-by-Section Analyses; to the Committee on Small Business.

EC-1277. A communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, a draft of proposed legislation to amend the National School Lunch Act and Child Nutrition Act of 1966; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1278. A communication from the Director of Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals; pursuant to the order of August 4, 1977, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1279. A communication from the Acting Director of the Defense Security Assistance Agency, U.S. Department of Defense, transmitting, pursuant to law, information concerning the Department of the Air Force's proposed Letter(s) Offer to Honduras for Defense Articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-1280. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the Selected Acquisition Reports for the quarter ending March 31, 1987; to the Committee on Armed Services.

EC-1281. A communication from the Assistant Secretary of the Army (Installations and Logistics), transmitting, pursuant to law, notification of the recent discovery and emergency disposal of a suspected chemical bomblet at Dugway Proving Ground, UT; to the Committee on Armed Services.

EC-1282. A communication from the General Counsel, U.S. Department of Defense, transmitting, pursuant to law, a draft of proposed legislation to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commission officers of the reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

EC-1283. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on how the Department has administered sections 408, 409, 412, and 414 of the Federal Aviation Act of 1958; to the Committee on Commerce, Science, and Transportation.

EC-1284. A communication from the Secretary of Transportation, transmitting, pursuant to law, the 1985 Annual Report regarding information on highway accidents which will permit evaluation or comparison of highway safety performance of the States; to the Committee on Commerce, Science, and Transportation.

EC-1285. A communication from the Deputy Associate Director for Royalty Management, U.S. Department of Interior, transmitting, pursuant to law, notification of the Department's intention to make refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1286. A communication from the Secretary of Energy, transmitting, pursuant to law, a second report, which supplements the earlier summary report, analyzes the technologies that were addressed in earlier submittals, and also contains the Project Summary Forms; to the Committee on Energy and Natural Resources.

EC-1287. A communication from the Acting Director of the Defense Security Assistance Agency, U.S. Department of Defense, transmitting, pursuant to law, information regarding military assistance to Chad; to the Committee on Foreign Relations.

EC-1288. A communication from the Assistant Secretary, Legislative and Intergov-

ernmental Affairs, Department of State, transmitting, pursuant to law, a report on the status of United States preparations for the International Conference on Drug Abuse and Illicit Trafficking; to the Committee on Foreign Relations.

EC-1289. A communication from the Acting Assistant Attorney General for Administration, U.S. Department of Justice, transmitting, pursuant to law, three copies of a report including copies of the "Federal Register" notice; to the Committee on Governmental Affairs.

EC-1290. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled Final Regulations for the Income Contingent Loan Program; to the Committee on Labor and Human Resources.

EC-1291. A communication from the Executive Director of the Committee for Purchase from the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the activities of the Committee during the fiscal year ending September 30, 1986; to the Committee on Labor and Human Resources.

EC-1292. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled Notice of Final Funding Priorities—Handicapped Children's Early Education Program; to the Committee on Labor and Human Resources.

EC-1293. A communication from the Secretary of Health and Human Resources, transmitting, pursuant to law, the annual report for fiscal year 1986 of the Administration on Aging; to the Committee on Labor and Human Resources.

EC-1294. A communication from the Chairman of the National Council on Educational Research, U.S. Department of Education, transmitting, pursuant to law, the fiscal year 1986 report of the National Council on Educational Research; to the Committee on Labor and Human Resources.

EC-1295. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on smokeless tobacco; to the Committee on Labor and Human Resources.

EC-1296. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting, pursuant to law, a draft of proposed legislation to amend section 1007 of title 37, United States Code, to authorize the collection of moneys owed to service relief societies from the pay of members of the uniformed services; to the Committee on Armed Services.

EC-1297. A communication from the Deputy Director of the Contracts Division, U.S. Department of the Navy, transmitting, pursuant to law, notification of findings and determination regarding the construction of a parallel runway at Clark Air Base, Philippines; to the Committee on Armed Services.

EC-1298. A communication from the Assistant Secretary, U.S. Department of Defense, transmitting, pursuant to law, an interim report describing preliminary facility requirements for construction, repair, and rehabilitation of dependent educational facilities on military installations in the United States; to the Committee on Armed Services.

EC-1299. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report regarding operations of the Board during calendar year 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC-1300. A communication from the Director of the National Bureau of Standards, transmitting, pursuant to law, a technical report entitled "Structural Assessment of the New U.S. Embassy Office Building in Moscow;" to the Committee on Commerce, Science and Transportation.

EC-1301. A communication from the Secretary of Transportation, transmitting, pursuant to law, annual report of Accomplishments under the Airport Improvement Program; to the Committee on Commerce, Science, and Transportation.

EC-1302. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report on the activities of the U.S. Travel and Tourism Administration for fiscal year 1986; to the Committee on Commerce, Science, and Transportation.

EC-1303. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Federal Air Marshal Program; to the Committee on Commerce, Science, and Transportation.

EC-1304. A communication from the Secretary of Transportation, transmitting, pursuant to law, a draft of proposed legislation entitled "Trucking Productivity Improvement Act of 1987," which would further enhance the productivity gains achieved by the Motor Carrier Act of 1980 by eliminating the remaining economic controls on the trucking industry and by providing additional incentives to increase the efficiency and competitiveness of motor carrier operations; to the Committee on Commerce, Science, and Transportation.

EC-1305. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a draft of proposed legislation to authorize appropriations to the Department of Energy for civilian energy programs for fiscal year 1988 and fiscal year 1989, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1306. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual revised comprehensive program management plan under section 4 of the Wind Energy Systems Act of 1980; to the Committee on Energy and Natural Resources.

EC-1307. A communication from the Chairman of the National Drug Policy Board, U.S. Department of Justice, transmitting, pursuant to law, a report on the subject of narco-terrorism; to the Committee on Foreign Relations.

EC-1308. A communication from the Acting General Counsel and Congressional Liaison, U.S. Information Agency, transmitting, pursuant to law, the 1987 independent evaluation of the Radio Marti Programming of the Voice of America; to the Committee on Foreign Relations.

EC-1309. A communication from the Executive Director of the District of Columbia Retirement Board, transmitting, pursuant to law, notification that the report for fiscal year 1986 will be submitted on May 29, 1987; to the Committee on Governmental Affairs.

EC-1310. A communication from the Chief of the Insurance and Employee Benefits Executive Secretariat Air Force Welfare Board (Retirement Plan Administrator), U.S. Department of the Air Force, transmitting, pursuant to law, the annual report on the Air Force Nonappropriated Fund Retirement Plan for Civilian Employees; to the Committee on Governmental Affairs.

EC-1311. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a copy of a proposed notice amending a continuing computer matching program submitted on May 13, 1987, to the Office of Federal Register for publication; to the Committee on Governmental Affairs.

EC-1312. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, three copies of a new record system submitted by the Department of the Navy; to the Committee on Governmental Affairs.

EC-1313. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, three copies of the two new record systems submitted by the U.S. Marine Corps; to the Committee on Governmental Affairs.

EC-1314. A communication from the Secretary of the U.S. Postal Rate Commission, transmitting, pursuant to law, a final rule entitled "amendment to Domestic Mail Classification Schedule," which was adopted as Commission Order No. 757; to the Committee on Governmental Affairs.

EC-1315. A communication from the Executive Director of the District of Columbia Retirement Board, transmitting, pursuant to law, submissions of personal financial disclosure statements by each board member for calendar year 1986; to the Committee on Governmental Affairs.

EC-1316. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a draft of proposed legislation entitled the "Federal Property and Procurement Management Improvement Act of 1987;" to the Committee on Governmental Affairs.

EC-1317. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, a semiannual report of the Inspector General covering the period October 1, 1986, through March 31, 1987; to the Committee on Governmental Affairs.

EC-1318. A communication from the Clerk of the District of Columbia Circuit, United States Court of Appeals, transmitting, pursuant to law, notification regarding the appointment of Independent Counsels; to the Committee on the Judiciary.

EC-1319. A communication from the Commissioner of the Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, a copy of a decision granting defector status in the case of an alien who has been found admissible to the United States; to the Committee on the Judiciary.

EC-1320. A communication from the National Legislative Commission of the American Legion, transmitting, pursuant to law, financial statements as of December 31, 1986; to the Committee on the Judiciary.

EC-1321. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the fiscal year 1985 Alcohol Abuse, Drug Abuse, and Mental Health Services [ADMS] Block Grant; to the Committee on Labor and Human Resources.

EC-1322. A communication from the Secretary of the U.S. Department of Transportation, transmitting, pursuant to law, the 1987 annual report on highway safety improvement programs; to the Committee on Commerce, Science, and Transportation.

EC-1323. A communication from the President of the United States, transmitting, pursuant to law, fiscal year 1987 appropriations requests for the Veterans Administration, the Department of Transportation, and the White House Conference on Drug Abuse and Control; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-143. A concurrent resolution adopted by the Legislature of the State of South Carolina favoring continuation of the National Agricultural Pesticide Impact Assessment Program and the Interregional Project 4 Program for fiscal year 1988; to the Committee on Agriculture, Nutrition, and Forestry.

"A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO ENACT LEGISLATION THAT WILL CAUSE THE CONTINUATION OF THE NATIONAL AGRICULTURAL PESTICIDE IMPACT ASSESSMENT PROGRAM AND THE INTERREGIONAL PROJECT 4 PROGRAM FOR FISCAL YEAR 1988

"Whereas, the National Agricultural Pesticide Impact Assessment Program (NAPIAP) and interregional Project 4 (IR-4) are cooperative programs between the United States Department of Agriculture, United States Environmental Protection Agency, Clemson University Cooperative Extension Service, and South Carolina Agriculture Experiment Station; and

"Whereas, pesticides are vital to continued production of traditional crops and forests, revitalization of agriculture in the State, and development of alternative enterprises in agriculture, forestry, and natural resources; and

"Whereas, the purpose of NAPIAP is to ensure continued registration of pesticides necessary for the production of agricultural and forestry commodities/products in the State of South Carolina; and

"Whereas, the purpose of the IR-4 program is to register pesticides for use on minor crops and for minor uses on major crops; and

"Whereas, both programs have benefited the agricultural and forestry industries in South Carolina for over fifteen years; and

"Whereas, the President of the United States elected not to include both programs in the administration's budget request for fiscal year 1988; and

"Whereas, Congress enacted legislation to continue both programs in each of the past three years. Now, therefore,

"Be it Resolved by the House of Representatives, the Senate concurring:

"That the General Assembly of the State of South Carolina memorializes Congress to enact legislation that will continue the NAPIAP and IR-4 programs for fiscal year 1988.

"Be it further Resolved that a copy of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and to each member of the Congressional Delegation from South Carolina."

POM-144. A petition from the Governor of the State of Washington urging congressional approval of an Interstate Mutual Aid Compact between Washington and Idaho; to the Committee on Armed Services.

POM-145. A joint resolution adopted by the Legislature of the State of California relative to air traffic control facilities at Whiteman Airport; to the Committee on Commerce, Science, and Transportation.

"Whereas, Whiteman Airport, located in the community of Pacoima in the San Fernando Valley area of the County of Los Angeles, has experienced a substantial increase in use by general aviation aircraft in recent years, and this increased use is likely to continue; and

"Whereas, The San Fernando Valley area has become increasingly urbanized, resulting both in congested air traffic corridors and a need to better control air traffic to protect the safety of the more than one million residents of the valley; and

"Whereas, Whiteman Airport is the only airport in the San Fernando Valley without a control tower; and

"Whereas, Recently the pilot of a Continental Airlines jetliner confused Whiteman Airport with nearby Burbank-Glendale-Pasadena Airport, nearly landing at Whiteman Airport, thus barely avoiding what could have been a major catastrophe; and

"Whereas, On another occasion, a private plane crashed into a warehouse near Whiteman Airport, resulting in one fatality and substantial property damage; and

"Whereas, The approach patterns to Whiteman Airport and Burbank-Glendale-Pasadena Airport overlap, contributing to this confusion; and

"Whereas, A control tower at Whiteman Airport staffed by Federal Aviation Administration air traffic controllers is needed to properly guide aircraft and ensure the safety both of the pilots and the residents of the San Fernando Valley; now therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to establish and staff an airport control tower at Whiteman Airport in the San Fernando Valley area of Los Angeles County; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the Federal Aviation Administration."

POM-146. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Commerce, Science, and Transportation:

"HOUSE RESOLUTION No. 256

"Whereas, The Superconducting Super Collider is a project supported by the Reagan Administration which would be the largest and most powerful particle accelerator in the world; and

"Whereas, Accelerating particles of matter around a 52-mile ring to nearly the speed of light and then forcing them to collide, the Superconducting Super Collider would be the world's premier center for research in high energy physics; and

"Whereas, The estimated $4-6 billion cost for the Superconducting Super Collider project could be reduced by at least $350 million if the Fermi National Laboratory in Batavia, the world's most powerful accelerator, were used to inject protons and the highly trained Fermi National Laboratory staff could be used as the core of the Superconducting Super Collider staff; and

"Whereas, Extensive environmental and geological studies have been done by the Illinois Department of Energy and Natural Resources and the results show that the Femi National Laboratory in Batavia would be a prime location for the collider; therefore, be it

"*Resolved, by the House of Representatives of the Eighty-Fifth General Assembly of the State of Illinois,* that we urge the Illinois Congressional Delegation to support the Superconducting Super Collider and that we ask that they make an extra effort on behalf of the State of Illinois to promote this State as the site for the project; and be it further

"*Resolved,* That suitable copies of this preamble and resolution be presented to each member of the Illinois Congressional Delegation."

POM-147. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Commerce, Science, and Transportation:

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REQUEST A PROMPT RULING FROM THE INTERSTATE COMMERCE COMMISSION REGARDING RAILROAD EMPLOYEE PROTECTION IN THE CASE OF THE SPRINGFIELD TERMINAL, NEW YORK DOCK

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the United States Congress, as follows:

"Whereas, the Maine Central Railroad owned by Guilford Transportation Industries has made application to the Interstate Commerce Commission for an exemption to lease certain trackage rights; and

"Whereas, this exemption is to lease Maine Central Railroad trackage rights on Maine Central branch lines to the Springfield Railway Company, another Guilford Transportation Industries wholly-owned subsidiary; and

"Whereas, the proposed transaction has raised considerable concern in Maine for the rights of employees affected by the transfer and continued safety compliance on the branch lines; and

"Whereas, that concern has raised important questions concerning the opportunity for a public hearing on the application and whether *Mendocino Coast* or *New York Dock* labor protection provisions apply if the application is approved; and

"Whereas, affected Maine citizens are entitled to a prompt ruling on the Interstate Commerce Commission's review of this application; now, therefore, be it

"*Resolved:* That We, your Memorialists, do hereby respectfully urge the Congress of the United States to use the power within their authority to obtain not only a prompt ruling on the review of this application by the Interstate Commerce Commission, but also an assurance that the *New York Dock* labor protection provisions will apply if the application is approved, to relieve the concerns of the Maine Legislature and those citizens, especially our rail workers; and be it further

"*Resolved:* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-148. A resolution adopted by the West Texas County Judges' and Commissioners' Association opposing the location of a high-level nuclear waste repository in

Deaf Smith County, Texas; to the Committee on Energy and Natural Resources.

POM-149. A resolution adopted by the Senate of the State of Alaska; to the Committee on Energy and Natural Resources.

"SENATE RESOLVE NO. 9

"Be it Resolved by the Senate:

"Whereas, Gulf Canada Corporation, the Government of Canada, and the Governments of the Yukon Territory and the Northwest Territories have worked together to find and develop the oil reserves in the Mackenzie Delta and the Beaufort Sea; and

"Whereas, it is estimated that 11 wells have been drilled in the Beaufort Sea and at least three wells have been drilled east of the Firth River in the Procupine caribou habitat area with no apparent harm to the herd or to the subsistence users of the herd; and

"Whereas, this commitment to the development of oil reserves in the Arctic has put Gulf Canada Corporation in a position to be in full production of oil in the Beaufort-Mackenzie area in six to seven years, at a time when Canada, along with the rest of North America, is expected to be short of oil; and

"Whereas, in an effort to develop a market for the oil produced in the Beaufort Sea, Gulf Canada Corporation has shipped the oil west through the Beaufort Sea to Japan, exhibiting a tenacity unequaled in the oil industry;

"Be it Resolved that the Alaska State Senate sends its hearty congratulations and expresses its deep admiration to Gulf Canada Corporation, the Government of Canada, and the governments of the Yukon Territory and the Northwest Territories for successfully developing a leading edge in Arctic oil production for the international petroleum industry."

POM-150. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Environment and Public Works:

"A CONCURRENT RESOLUTION

"Whereas, the United States currently depends on oil imports for nearly forty percent of United States demand, with imports possibly making up fifty percent or more of domestic supplies in three to five years if current trends continue; and

"Whereas, such heavy reliance on oil imports undermines national security, weakens the United States economy, costs American jobs, and worsens the trade deficit; and

"Whereas, such overdependence on foreign oil is particularly dangerous at a time of continuing political turmoil and terrorism throughout the Middle East; and

"Whereas, the Organization of Petroleum Exporting Countries (OPEC) could regain its control over world oil prices and subject United States consumers to sharply rising prices and a return to the severe energy disruptions of the 1970's; and

"Whereas, it is in the nation's economic and security interests to take steps now to encourage increased domestic energy production and reduced dependence on oil imports from insecure foreign sources; and

"Whereas, in its recent draft report to Congress, the United States Department of the Interior stated that the Arctic National Wildlife Refuge (ANWR) coastal plain "is clearly the most outstanding oil and gas frontier remaining in the United States, and could contribute substantially to our domestic energy supplies" and proposed that the coastal plain be opened to leasing; and

"Whereas, development of the Alaskan North Slope oil fields has clearly demonstrated that petroleum operations are compatible with the Alaskan arctic environment and wildlife; and

"Whereas, should petroleum development occur, less than one-tenth of one percent of the total ANWR area would be affected; and

"Whereas, the area of over two hundred forty-two thousand acres in the southeastern part of the section 1002 area that is the calving area of the Porcupine Caribou heard can be reserved to the last area for leasing; and

"Whereas, Congress can and should provide the authority and the Department of Interior can exercise such authority to impose any restrictions to ensure that unnecessary adverse effects are avoided and to require compensation in the event of significant unavoidable losses of habitat quality; and

"Whereas, Congress can and should provide the authority for the Department to issue regulations that will ensure environmental integrity in all oil and gas operations in that area; Now, therefore be it

"Resolved, That the General Assembly of the State of South Carolina, by this resolution, expresses its support for development of the resources of the Arctic National Wildlife Refuge (ANWR) coastal plain to provide for future United States energy needs and to reduce the dangerous overdependence on oil imports and urges Congress to act expeditiously to enact ANWR development legislation and to reject proposals providing for permanent bans on oil and natural gas leasing on the coastal plain.

"Be it further resolved, that a copy of this resolution be forwarded to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of South Carolina's congressional delegation in Washington, DC."

POM-151. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works:

"A CONCURRENT RESOLUTION

"Whereas, the protection of the nation's environment is of grave importance and concern to its citizens, as reflected by the enactment of legislation creating the United States Environmental Protection Agency; and

"Whereas, in Louisiana this concern was manifested by passage in 1979 of the Louisiana Environmental Quality Act, a comprehensive and far-reaching program for environmental protection; and

"Whereas, the Legislature and the people of Louisiana gave even greater recognition to the need for stringent environmental regulation by centralizing environmental jurisdiction in a new Department of Environmental Quality in 1983; and

"Whereas, the people of this state demand clean air and water, free from contamination and pollution; and

"Whereas, Louisiana is striving diligently to regulate the dumping within the state of garbage and other waste products so as to keep Louisiana environment wholesome; and

"Whereas, the dumping or disposal of garbage or waste of any origin in the Gulf of Mexico will necessarily impact the waters, marshes, estuaries, and lands of adjacent states, adversely affecting not only water quality but also human health and fish and wildlife resources; and

"Whereas, such dumping would undermine state efforts to protect and enhance environmental quality; and

"Whereas, as a recent example, a barge load of potentially infectious supplies from New York was denied access to Louisiana based on regulatory requirements and was subsequently returned to federal waters offshore Louisiana where it remains aimless and a potential hazard to the state's environment; Therefore, be it

"Resolved that the Legislature of Louisiana memorializes the Congress of the United States and federal agencies having related jurisdiction, including the United States Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the United States Coast Guard, to prohibit the dumping or disposal of garbage or waste of any origin in federal waters of the Gulf of Mexico.

"Be it further resolved that a copy of this Resolution shall be transmitted to the Secretary of the United States Senate and the Clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation, as well as to the secretary of the United States Environmental Protection Agency, the undersecretary of the National Oceanic and Atmospheric Administration within the United States Department of Commerce, the commander of the United States Coast Guard, and any other federal agency having related jurisdiction."

POM-152. A resolution adopted by the House of Representatives of the State of Oklahoma; to the Committee on Finance:

"RESOLUTION

"Whereas, thousands of senior Oklahomans are Medicare program beneficiaries each year; and

"Whereas, Oklahoma is divided into five geographic localities for Medicare reimbursement to physicians and for durable medical equipment; and

"Whereas, locality reimbursement differentials affect the availability, accessibility, quality and cost of health care to Oklahomans; and

"Whereas, current policies have created an increasing reimbursement differential between urban and rural localities, resulting in:

"1. higher out-of-pocket costs to rural elderly,

"2. a requirement of physician visits in rural areas to meet the deductible, and

"3. reimbursement discrimination against rural physician practices; and

"Whereas, according to the 1980 Federal Decennial Census, 52.4% of persons over the age of 65 live in the predominantly rural locality, and 57% of the state's primary care claims originate from physicians located in that locality; and

"Whereas, all Medicare beneficiaries are subject to the same deductible and premium payments regardless of which reimbursement locality they live in, which forces rural beneficiaries to receive less for their tax dollar than those in urban localities; and

"Whereas, senior citizens in rural localities have reported traveling to urban localities in order to receive needed medical care in a reimbursement area which allows less out-of-pocket costs for them; Now, therefore, be it

Resolved by the House of Representatives of the 1st session of the 41st Oklahoma Legislature: That the Oklahoma State Legislature does hereby petition the President of

the United States, the Congress of the United States and the Secretary of the United States Department of Health and Human Services to take immediate and appropriate action to convert Oklahoma from the existing five reimbursement localities to a single-statewide Medicare reimbursement locality based upon the most recent statewide prevailing rates.

"That copies of this resolution be distributed to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Oklahoma Congressional Delegation and the Secretary of the United States Department of Health and Human Services."

POM-153. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Finance:

"A RESOLUTION

"Whereas, The Tax Reform Act of 1986 reduced the maximum corporate tax rate from 46% to 34%; and

"Whereas, For many years, telephone, electric, gas, water, and sewer utilities have been allowed to depreciate plant and equipment over different lengths of time for income tax and ratemaking purposes. Therefore, utilities may collect, through today's rates, taxes that will not be due to the United States Treasury for 20 or 30 years. Together, utilities have collected and are now holding approximately $60 billion towards future tax obligations. The Office of Consumer Advocate estimates that Pennsylvania's major electric, gas, and telephone utilities are alone holding over $700 million in excess deferred taxes which will not have to be paid to the Federal Government; and

"Whereas, when the maximum corporate tax rate was reduced, $15 billion in taxes which had been collected in advance under the higher tax rate was forgiven. It is not due to the United States Treasury now or ever; and

"Whereas, Section 203(e) of the new tax law requires each utility to flow through these excess taxes to ratepayers over the entire remaining book life of the asset which originally enabled the company to defer the tax obligation, and bars utility regulators from ordering speedier refunds; and

"Whereas, The result is that ratepayers may have to wait as long as 30 years to be reimbursed. By that time, each dollar of overcollections will be worth only 23; therefore be it

"Resolved (the House of Representatives concurring), That the General Assembly of Pennsylvania urge that section 203(e) of the Tax Reform Act of 1986 be repealed to give State regulators the flexibility they had after the 1978 tax cut to prescribe the return rate on a case-by-case basis; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania, with the request that this action by the General Assembly of the Commonwealth of Pennsylvania be promptly published in the Congressional Record."

POM-154. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION NO. 5014

"Whereas, Members of the House of Representatives and the Senate of the Kansas Legislature deplore the apartheid system of racial segregation in South Africa; and

"Whereas, There should be universal application of the principle that all people are created equal and endowed with certain inalienable rights of life, liberty and the pursuit of happiness; and

"Whereas, South African apartheid is in direct contradiction of the basic principles of fundamental human rights and violates all aspects of democratic process; and

"Whereas, All of our states demand the democratic principle that guarantees all citizens the right to participate in the electoral process which determines their destiny, their form of government, and their election of political leaders at all levels; and

"Whereas, Racial apartheid in South Africa denies Black South Africans participation in the political process and indeed denies them fundamental human rights; and

"Whereas, On a continuing basis Blacks and other opponents of apartheid in South Africa are detained, arrested, imprisoned, beaten and killed without cause or due process of law; and

"Whereas, The system of apartheid not only represses public participation but also violates the principles of private enterprise by restricting equal access to the market place and to the extensive resources of the South African land and society; and

"Whereas, The continued oppression in South Africa threatens all Black South Africans, compromises the dignity, integrity and humanity of Coloured, Asian and White South Africans, and also threatens the peace and political, economic and social well-being of southern Africa, the entire continent and, indeed the entire world: Now, therefore,

"Be it resolved: That the House of Representatives and the Senate of Kansas urge that the State Legislatures increase actions to end apartheid in South Africa; and

"Be it further resolved: That the House of Representatives and the Senate of Kansas urge an increased level of activity by the states including, but not limited to, statements, personal testimony and actions by individual legislators, legislative resolutions and statutes condemning apartheid, calling for increased divestment of state funds in companies doing business in South Africa and any other actions to bring about a rapid end to apartheid in South Africa; and

"Be it further resolved: That the House of Representatives and the Senate of Kansas call for the end of the state of emergency, release of Nelson Mandela and all other political prisoners, the dismantling of apartheid and establishment of elections free and open to all South Africans without regard to color, race or creed; and

"Be it further resolved: That the House of Representatives and the Senate of Kansas call upon the President and Congress of the United States to utilize increasingly strong and effective measures to bring about an end to apartheid; and

"Be it further resolved: That the House of Representatives and the Senate of Kansas note and commend the House of Representatives of the Congress for its recent passage of the Anti-Apartheid Act of 1986 and we further note and commend the Senate Foreign Relations Committee of the Congress for its approval of Senator Lugar's "Comprehensive Anti-Apartheid Act of 1986 with the support of the Senate leadership; and

"Be it further resolved: That in light of continuing injustice, despite current United States' Policies, the House of Representatives and the Senate of Kansas call upon the President and Congress of the United States to increase pressure on South Africa including support for divestment, application of economic sanctions, and resisting renewal of bank loans to South Africa; and

"Be it further resolved: That the Secretary of State is hereby directed to send enrolled copies of this Concurrent Resolution to the President, the presiding officers of each House of Congress, the Secretary General of the United Nations, the President of the Republic of South Africa, the Ambassador to the United States from the Republic of South Africa, the leadership of the African National Congress, the Archbishop of Capetown, and the presiding officers of each legislative body of each state."

POM-155. A resolution adopted by the Senate of the State of Michigan; to the Committee on Foreign Relations:

"SENATE RESOLUTION NO. 45

"Whereas, The present record-high water levels of the Great Lakes are ravaging the vast shoreline of Michigan. It is predicted by most experts that the lakes will continue to rise in the spring of 1987, and no one foresees a lessening of the record levels that have existed over the past year. The cost of the damages from land erosion and flooding has been estimated by the Army Corps of Engineers at 100 to 150 million dollars for 1986 and 1987 to the United States and Canada. The eight states and two provinces which border these natural wonders teem with major population centers, manufacturing sites, and scenic vistas. Since Michigan possesses more shoreline than any other state or province in the Great Lake Basin, we are well aware of the numerous dangers that the high levels create; and

"Whereas, Although this problem is a natural disaster of emergency proportions, the federal government has yet to recognize it as such. As a result, we have not been allocated the financial help necessary for adequate protection. In the last two and one-half years, the State of Michigan has spent several million dollars to preserve homes and communities, but we need federal aid for increased short-term protection measures; and

"Whereas, The climatic causes of the problem are beyond our control. However, many experts have outlined courses of action that can be taken to alleviate this danger. Since the issue threatens the economic well-being and quality of life of Great Lakes shoreline residents, we recommend that all possible solutions be examined; and

"Whereas, The governments of Canada and the United States should begin immediate negotiations on the closure of the Ogoki and Long Lac diversions which transfer water from the James Bay Basin in Canada to Lake Superior. It is also possible to construct channels and gates which would increase the flow from Lakes Erie and Ontario out the St. Lawrence Seaway. By decreasing the levels in these three lakes, the levels of all the Great Lakes will be decreased. However, these steps alone will not solve the problem. The government's of Canada and the United States must also examine other long and short-term methods to improve the situation. The International Joint Commission undertakes studies and makes recommendations, but it is the governments of both nations which must enact the necessary solutions; and

"Whereas, While this natural disaster is the cause of very real human, economic, and

environmental hardships, the gravity of the situation lies in the fact that the current situation may only be the beginning of even greater danger; now, therefore, be it

"Resolved by the Senate, That we urge the Congress of the United States and the International Joint Commission to take decisive and affirmative action regarding the dangerously high levels of the Great Lakes; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan Congressional delegation, and the International Joint Commission."

POM-156. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary:

"A CONCURRENT RESOLUTION

"Whereas, the people of the State of Arizona, in the interest of protecting the religious freedom of their children, wish to encourage the enactment of legislation guaranteeing the right of voluntary prayer in public schools; and

"Whereas, guaranteeing these rights requires that the Constitution of the United States be amended so that it clearly and definitely asserts the right to voluntary prayer in public schools; therefore be it

"Resolved by the House of Representatives of the State of Arizona, the Senate concurring:

"1. That the Congress of the United States propose to the people an amendment to the Constitution of the United States to add to the Constitution of the United States an article that clearly and definitely asserts the right to voluntary prayer in public schools.

"2. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

POM-157. A resolution adopted by the Senate of the State of Kansas; to the Committee on the Judiciary:

"SENATE RESOLUTION No. 1908

"Whereas, It is imperative that Congress take action in passing House Resolution 1242 which relates to the collection of sales and use taxes on out-of-state mail order sales; and

"Whereas, A hearing will be held May 13, 1987, on the issue, and the Kansas Congressional Delegation is urged to attend the hearing and support the changes; and

"Whereas, The present system is ineffective and has serious enforcement problems. State tax administrators have no way of assessing or collecting use taxes on many mail order purchases. As a result the integrity of the states' tax bases are being undermined and severe damage is being done to the perceived equity of the tax system; and

"Whereas, In-state merchants are at a competitive disadvantage under the present system. These merchants cannot legally avoid the collection of state and local sales and use taxes as out-of-state vendors can; and

"Whereas, As the volume of mail order sales rises, revenue losses to state and local governments from uncollected taxes are rising. The Advisory Committee and Intergovernmental Relations estimates that in 1986 state and local revenue losses ranged from $1.6 to $1.7 billion; and

"Whereas, Estimated 1986 state revenue loss from mail order and direct marketing sales in Kansas totaled $11,705,900; and

"Whereas, The out-of-state mail order problem will worsen because of the substantial growth in mail order sales, the use of television advertising, "800" telephone numbers for placing orders, and other technological innovations such as the use of home computers for shopping and purchasing; and

"Whereas, State and local governments have become increasingly dependent on sales and use taxes; they constituted 24 percent of all tax revenues for state and local governments in 1982, an increase of 19 percent since 1967. From 1979 to 1985, the number of local jurisdictions levying sales and use taxes grew by 22 percent from 5,448 to 6,668; and

"Whereas, Additional state and local sales and use tax revenues in excess of $1.1 billion would be possible if states and localities were able to collect the taxes owed. As the mail order industry continues to grow, revenues also will increase: Now, therefore,

"Be it resolved by the Senate of the State of Kansas, That we urge the Congress of the United States to take action on House Resolution 1242 relating to the collection of sales and use taxes on out-of-state mail order sales; and

"Be it further resolved; That the Secretary of the Senate be directed to send enrolled copies of this resolution to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; and to each member of the Kansas Congressional Delegation."

POM-158. A petition from the Director of the Legislative Counsel Bureau of the State of Nevada proposing amendments to the Tahoe Regional Planning Compact between the States of California and Nevada; to the Committee on the Judiciary.

POM-159. Joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary.

"HOUSE JOINT RESOLUTION No. 1019

"Whereas, Mining has been and continues to be a vital industry in the development of the state of Colorado; and

"Whereas, Minerals are a key raw material for numerous industries in our nation and an economic lifeblood that can only be obtained by the toil and diligence of the dedicated men and women who find, extract, and process these vital elements; and

"Whereas, The economic growth, quality of life, and military strength of our country would not have been possible without the sacrifices and hard work of the American miner; and

"Whereas, Mining and miners have played a colorful and fascinating role in the history of Colorado; and

"Whereas, It is fitting that we should honor the men and women of the mining industry by establishing a place where the people of this state and nation may learn of the achievements of America's miners; and

"Whereas, Colorado, with its rich heritage of mining history, would be an unsurpassed location for an institution that celebrates and teaches the accomplishments of the mining industry; now, therefore,

"Be It Resolved by the House of Representatives of the Fifty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

"(1) That the General Assembly hereby supports the establishment of the National Mining Hall of Fame and Museum, to be located in Leadville, Colorado, and commends the founders of the museum for their efforts.

"(2) That the Congress of the United States is urged to enact legislation establishing the National Mining Hall of Fame and Museum.

"(3) That each member of Congress from the state of Colorado is urged to give full support to such legislation.

"Be it further resolved, That copies of this Resolution be sent to each Member of the United States Senate and the United States House of Representatives from the state of Colorado, and to the Speaker of the United States House of Representatives and the President of the United States Senate."

POM-160. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Labor and Human Resources:

"HOUSE CONCURRENT RESOLUTION

"Whereas, Alzheimer's disease and related disorders afflict a substantial number of older Americans; and

"Whereas, These disorders result in a lengthy degenerative process requiring a wide array of medical and social services throughout the course of the disease; and

"Whereas, The type of length of care needed by Alzheimer's patients can be emotionally, physically, and financially devastating to the victims and their families; and

"Whereas, Patients with Alzheimer's disease suffer progressive behavioral changes, cognitive decline, and increasing functional disabilities and display other characteristics that necessitate constant care and supervision; and

"Whereas, To continue providing quality care for an Alzheimer's victim, it is necessary for family members to remove themselves periodically from the day-to-day hardships of caring for a loved one who may have become unmanageable; and

"Whereas, Respite care provides the means for family members to take some much-needed time off, while knowing that the Alzheimer's patient is still receiving optimum care and attention; and

"Whereas, As our country's elderly population increases, so, too, will the number of Alzheimer's patients, resulting in an increased demand for respite care and related programs; now, therefore, be it

"Resolved, That the 70th Legislature of the State of Texas hereby request the Congress of the United States to raise respite care for Alzheimer's disease victims and their families to a higher priority under the Older Americans Act programs; and, be it further

"Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives, and to the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States."

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of May 21, 1987, the following reports of committees were submitted on May 22, 1987, during the adjournment of the Senate:

By Mr. PELL, from the Committee on Foreign Relations:

S. 1274. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize international development and security assistance programs and Peace Corps programs for fiscal year 1988, to authorize payments to certain multilateral development banks, and for other purposes (with additional views) (Rept. No. 100-60).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SANFORD:

S. 1275. A bill to advance the national leadership in semiconductor technology, to establish a National Advisory Committee on Semiconductors, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. KASSEBAUM (for herself, Mr. FORD, and Mr. REID):

S. 1276. A bill to amend the Federal Aviation Act of 1958 to provide for improved reliability of airline flight schedules, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. HOLLINGS):

S. 1277. A bill to amend the Communications Act of 1974 regarding the responsibilities of broadcasting licensees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TRIBLE:

S. 1278. A bill to permit certain payments under the Act of September 30, 1950 (Public Law 874, 81st Congress) based on incorrect determinations under section 2(a)(1)(C) of that Act; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. HATFIELD, Mr. ADAMS, Mr. BAUCUS, Mr. BUMPERS, Mr. CHILES, Mr. DANFORTH, Mr. FOWLER, Mr. GORE, Mr. KARNES, Mr. LUGAR, and Mr. SASSER):

S. 1279. A bill to extend the Renewable Resources Extension Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. QUAYLE:

S. 1280. A bill to increase the sale of U.S.-made auto parts and accessories to Japanese markets for original and after-market equipment in Japan, in the United States and in third markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 221. Resolution to authorize testimony of Senate employees; considered and agreed to.

By Mr. BYRD:

S. Res. 222. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in "In re Sealed Case"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANFORD:

S. 1275. A bill to advance the national leadership in semiconductor technology, to establish a National Advisory Committee on Semiconductors, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL ADVISORY COMMITTEE ON SEMICONDUCTOR RESEARCH AND DEVELOPMENT ACT

Mr. SANFORD. Mr. President, I am today introducing legislation that I believe will help restore this Nation to its rightful place of leadership in high technology. It addresses the critical need for a national strategy on semiconductors, recognizing that the semiconductor industry has a crucial role to play in enhancing our industrial competitiveness and strengthening our national defense. It also recognizes the importance of Federal intervention to buffet the serious and, in many cases, unfair challenges this industry is facing from foreign competitors.

This legislation would create a National Advisory Committee on Semiconductors that would identify and prioritize the needs and capabilities of the industry, the Federal Government, and the scientific and research communities. The committee would identify the components of a national semiconductor strategy and recommend roles for public and private participants in that strategy.

The committee would be composed of 13 members, including the Secretaries of Defense, Commerce, and Energy, and the Directors of the Office of Science and Technology Policy and the National Science Foundation, or their designees. The President would appoint four members from the industry and four from the fields of technology, defense, and economic development. Provisions are made for staff support and for regular reporting to the Congress and the administration.

Mr. President, the U.S. semiconductor industry is in real danger of losing its technological leadership and market share to Japan and other competitors aided by their governments. The rate of decline has been nothing short of precipitous. Less than a decade ago, there was little challenge to U.S. leadership in this industry. Now, we are clearly behind in many of the key technologies and are being challenged in practically all of the others. The world market share of U.S. manufacturers is decreasing. Given this state of affairs, this decline can only be expected to accelerate and extend to allied industries whose end products depend on advanced semiconductor components for high-end performance. If we do not act very soon, we will most assuredly become an also-ran in the high technology sweepstakes.

Many activities that seek to address the semiconductor problem are under way, being planned, or have been proposed by the industry, by the Federal Government, and by our great universities and research laboratories. All of these programs and proposals, while good and rational in isolation, are uncoordinated and overlapping when viewed as part of an overall plan to address a problem of this magnitude. A coherent strategy that ties the many programs and players together is essential if our Nation is to make the most effective use of the limited resources we have available.

The National Advisory Committee on Semiconductors will develop and articulate goals for a national semiconductor strategy, the implementation of which would assure the continued leadership of the United States in semiconductor technoloy. The national strategy that will evolve from this committee will provide the technological underpinnings for a strong economy and a strong national defense.

I invite my colleagues to join me in cosponsoring this bill, and I ask unanimous consent that the text of the measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Advisory Committee on Semiconductor Research and Development Act of 1987."

SEC. 2. PURPOSES.

(a) GENERAL FINDINGS.—The Congress finds and declares that—

(1) our future economic status is firmly wedded to leadership in the high technology industries that depend upon semiconductors;

(2) the leadership position of this country in high technology areas is threatened by the changing nature of foreign competition, which is often strongly supported by the national governments involved;

(3) our national defense is highly dependent upon the availability of leading edge semiconductor devices, and it is counter to the national interest to be dependent upon foreign sources for this technology;

(4) government actions to address these issues are fragmented in many Federal departments and agencies; and

(5) responses to these challenges require concerted actions of industry and government.

(b) SPECIFIC PURPOSES.—The purposes of this Act are—

(1) to establish the National Advisory Committee on Semiconductors; and

(2) to assign to such Committee the responsibility for devising and promulgating a national semiconductor strategy, including research and development, the implementation of which will assure the continued leadership of the United States in semiconductor technology.

SEC. 3. ESTABLISHMENT OF THE NATIONAL ADVISORY COMMITTEE ON SEMICONDUCTORS.

There is hereby created in the executive branch of the Government an independent advisory body to be known as the National Advisory Committee on Semiconductors (hereinafter referred to as the "Committee").

SEC. 4. FUNCTIONS OF THE COMMITTEE.

(a) IN GENERAL.—The Committee shall—

(1) collect and analyze information on the needs and capabilities of industry, the Federal Government, and the scientific and research communities related to semiconductor technology;

(2) identify the components of a successful national semiconductor strategy in accordance with section 2(b)(2);

(3) analyze options, establish priorities, and recommend roles for participants in the national strategy; and

(4) provide results and recommendations to agencies of the Federal Government involved in legislative, policymaking, administrative, management, planning, and technology activities that affect or are part of a national semiconductor strategy, and to the industry and other nongovernmental groups or organizations affected by or contributing to that strategy.

(b) SPECIFIC FUNCTIONS.—In fulfilling this responsibility, the Committee shall—

(1) monitor the competitiveness of the United States semiconductor technology base;

(2) determine technical areas where United States semiconductor technology is deficient relative to international competition;

(3) identify new or emerging semiconductor technologies that will impact the national defense or United States competitiveness or both;

(4) develop research and development strategies, tactics, and plans whose execution will assure United States semiconductor competitiveness; and

(5) recommend appropriate actions that support the national semiconductor strategy.

SEC. 5. ORGANIZATIONAL AND ADMINISTRATIVE PROVISIONS.

(a) MEMBERSHIP.—

(1) The Committee shall be composed of 13 members, 7 of whom shall constitute a quorum.

(2) The Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, the Director of the Office of Science and Technology Policy, and the Director of the National Science Foundation, or their designees, shall serve as members of the Committee.

(3) The President shall appoint, as additional members of the Committee, 4 members from outside the Federal Government who are eminent in the semiconductor industry, and 4 members from outside the Federal Government who are eminent in the fields of technology, defense, and economic development.

(4) One of the members appointed under paragraph (3), as designated by the President at the time of appointment, shall be chairman of the Committee.

(b) STAFF SUPPORT.—Administrative support for the Committee shall be provided through an arrangement with an appropriate agency or organization designated by the Committee. The funds necessary for such support shall be provided to the designated agency or organization, from sums available to the Committee to carry out the purposes of this Act, in accordance with a memorandum of understanding entered into between them.

(c) EXPENSES.—Members of the Committee, other than full-time employees of the Federal Government, while attending meetings of the Committee or otherwise performing duties at the request of the Chairman while away from the home or regular places of business, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

(d) FIRST MEETING.—The Chairman shall call the first meeting of the Committee not later than 90 days after the date of enactment of this Act.

(e) REPORTS.—At the close of each fiscal year the Committee shall submit to the President and the Congress a report on its activities conducted during such year and its planned activities for the coming year, including specific findings and recommendations with respect to the national semiconductor strategy devised and promulgated under section 2(b)(2). Each report shall include an estimate of the length of time the Committee must continue before the achievement of its purposes and the issuance of its final report.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of this Act such sums as may be necessary for the fiscal years 1988, 1989, and 1990. Appropriations for any fiscal year pursuant to the preceding sentence shall be made through a specific line item in the Act making appropriations to the National Science Foundation for that year.

By Mrs. KASSEBAUM (for herself, Mr. FORD, and Mr. REID):

S. 1276. A bill to amend the Federal Aviation Act of 1958 to provide for improved reliability of airline flight schedules, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL AIRLINE FLIGHT SCHEDULING PRACTICES

Mrs. KASSEBAUM. Mr. President—I am today, along with the Senator from Kentucky [Mr. FORD], and the Senator from Nevada [Mr. REID], introducing legislation to address the need for improved accuracy and reliability in commercial airline flight scheduling. I believe optimistic scheduling is the single most serious cause of the myriad of problems being experienced by airline consumers today.

Serving as the ranking member on the Aviation Subcommittee which Senator FORD chairs, I have listened to hours of testimony from DOT, the FAA, and commercial air carriers about the nature and causes of consumer complaints. I have also reviewed the correspondence I have received from the traveling public expressing concern over the recent deterioration in airline performance. To a large extent, I have concluded the delayed arrivals and departures, missed connections, canceled flights, and even lost baggage, are a result of optimistic scheduling.

Flight schedules by nature tend to be optimistic for a number of reasons. Airlines realize that passengers generally try to book the most convenient flight that shows the shortest elapse time. The computer reservation systems used by all scheduled airlines and travel agents display such flights prominently, which in turn, constitutes a significant marketing advantage. The result is a computer full of flight times for every major airline between major U.S. cities that represents an industrywide "wish list."

Air carriers are presently locked into a vicious cylce where no single carrier, or group of carriers, can afford to drop optimistic scheduling because of the advantage such scheduling gives competitors. When combined with flight delays resulting from a lack of capacity in the existing airports and airways system, this tendency toward optimistic scheduling becomes a nightmare for airline consumers.

The legislation that Senator FORD, Senator REID, and I are introducing today is designed to improve greatly the reliability and accuracy of published airline schedules. Our bill would require airlines to publish actual flight-time data as experienced over the immediate past, rather than the optimistic times that airline scheduling departments currently provide. These actual flight times would be published in the Official Airline Guide and in the computer reservation systems used by travel agents and airlines when ticketing passengers.

The published flight times would be based on a 12-month rolling average. For example, a departure from Washington National that is presently scheduled to leave at noon and arrive at Chicago O'Hare at 2 p.m. would be reprinted in the OAG to reflect actual experience. If, on average, over the past 12 months the flight arrived at 2:25 p.m. the carrier would be required to publish an arrival time of 2:25 p.m. until, based on the rolling average, the company got the time back to 2 p.m.

Under this proposal it makes no difference whether the delay is caused by a delayed departure or waiting for a gate after arrival. The total travel time builds in the average delay regardless of where the delays occur. Because the published time will be based on 365 days of experience, only those flights that are truly "never on time" will require scheduling adjustments. Occasional lengthy delays caused by mechanical or flight cancellations—which would be treated as an hour delay—should not unduly skew the times because of the large number of flights in the sample.

I believe this proposal offers a number of advantages over the current system of scheduling. First, information is provided to airline consumers that is, on average, more accurate and, therefore, more useful than data that is presently provided by commercial airlines. Second, delays are greatly reduced because consistently bad performance is reflected in the schedule. Third, the proposal avoids the need to attribute "causality" in airline delays. And finally, real incentives are created for the airlines to improve performance and reduce total elapsed travel times.

The benefits of this proposal are further outlined in a very informative oped article of Elizabeth Bailey and David Kirstein, published in today's New York Times. Dean Bailey and Mr. Kirstein both contributed significantly to the formulation of this legislative proposal and their efforts are truly appreciated. I ask unanimous consent that their article be reprinted at the end of my remarks.

Because the information required to implement this proposal is currently generated by commercial airlines for their internal use, the cost to airlines should be minimal. For that reason, and because of the favorable impact this proposal would have on the lives of air travelers, I am hopeful that this body can act on this, or similar legislation, in the near future.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title XI of the Federal Aviation Act of 1958 (49 App. U.S.C. 1501 et seq.) is amended by adding at the end the following:

INFORMATION REGARDING AIRLINE SCHEDULES TIMES OF ARRIVAL

SEC. 1119. (a)(1) No air carrier or foreign air carrier shall, directly or indirectly, make any representation to any person regarding the anticipated time of arrival in the United States for any interstate or foreign air transportation, unless such representation reflects the average actual time of arrival for such transportation.

(2) As used in this subsection, the term "average actual time of arrival" means the average time at which particular air transportation or foreign air transportation arrived in the United States during the twelve-month period immediately preceding the month in which any such representation is made.

AUDIT AND EXAMINATION

(b) The Secretary shall conduct an ongoing review of compliance with the provisions of subsection (a) of this section. As part of such review, the Secretary shall establish a system for inspecting any records of an air carrier or foreign air carrier upon which any such representation was based. The Secretary shall, on the Secretary's own initiative, investigate any representation made by an air carrier or foreign air carrier where there is a reasonable basis for questioning the accuracy of such representation. The Secretary shall have access for the purpose of audit and examination to any records of air carrier or foreign air carrier which the Secretary determines necessary or appropriate.

FINES

(c) In order to carry out the purposes of this section, the Secretary shall assess such fines as the Secretary determines to be appropriate, considering the nature and severity of the violation.

(b) The table of contents of the Federal Aviation Act of 1958 is amended by inserting immediately after the item relating to section 1118 the following:

"Sec. 1119. Information Regarding Airline Schedules."

[From the New York Times, May 27, 1987]

REQUIRE AIRLINE TRUTH IN SCHEDULING

(By Elizabeth E. Bailey and David M. Kirstein)

Airlines could help to ease air traffic congestion and reduce the danger of collisions by telling consumers the truth about expected arrival times of their flights. But since some airlines will not share this information voluntarily, Congress should make it Federal policy to require truth in scheduling. That would reduce the number of flights in highly congested areas at peak periods and ease the burden on air traffic controllers.

True information on flight schedules provides strong economic incentives, to moderate the problems of flight delays and airport congestion, which have now become common for virtually every air traveler.

The truth-in-scheduling approach would require airlines to publish a rolling average of actual flight times rather than the optimistic times they currently provide. If a flight regularly suffers from lengthy delays—whatever the cause—the public has a right to know.

Because people value their own time and wish to avoid delay, they would use the information to shift their flights away from peak periods and select times of day, airlines and airports that minimize travel time.

The problem of persistently inaccurate flight schedules has been discussed by the aviation subcommittee of the Senate Commerce, Science and Transportation Committee. A member of that committee, Nancy Kassebaum, Republican of Kansas, said she planned to introduce legislation next week that would require the airlines to provide accurate flight schedules.

Under the plan, carriers would face fines if they continued the deceptive practice of listing optimistic rather than actual arrival times in computer reservations systems and published flight schedules.

The approach would be less intrusive to airline operations and more effective in improving performance than other legislative proposals, such as one that would compel airlines to post each quarter the percentage of their overall on-time flights. This information is too general to help consumers. They want specific information about the flights available for particular trips.

For example, if a consumer plans to travel from New York City to Chicago on an early morning flight, he might want to know that one from Newark airport is regularly delayed an hour or more, while a later flight from the satellite airport in White Plains, N.Y., tends to arrive on time.

It would not cost the airlines any more money to provide correct information. They already generate accurate delay tables for internal use. Moreover, travel departments at large corporations have access to this information, published in a guide sold by an air traffic controller for more than $3,000 a year. Congress should make this information freely available to all consumers.

The truth-in-scheduling proposal would require that consistently bad performance be reflected in flight schedules. It thus offers a solution to the peak-load problem, which airlines now address by charging higher prices for peak flights. With accurate information, consumers could continue to enjoy the benefits of a variety of low air fares resulting from deregulation while also benefiting from improved performance, such as fewer missed connections.

The plan avoids placing blame for delays. Indeed, there are many causes for delays, as the airlines will attest, including weather conditions, insufficient numbers of air traffic controllers, antiquated air traffic control systems, reliance by some airlines on hub-and-spoke operations, labor and other problems at recently merged airlines and inadequate numbers of satellite airports.

Under truth in scheduling, travel time would include the average delay regardless of how it occurred. Because the rolling averages would be derived from a large number of flights, only flights that are consistently late would need adjusting.

Occasional lengthy delays caused by mechanical problems or flight cancellations (these might be treated as an hour's delay) should not unduly skew the flight times because many flights are included in the average.

The schedules could provide leeway. If an arrival is scheduled at 2 p.m., and the average arrival is 2:10 p.m., the scheduled time could remain at 2. But customers would have to be told that arrival times are generally only accurate to within 10 minutes. Similarly, the rolling averages could reflect actual arrival times over one month or longer periods.

This system would create real incentives for the airlines to improve their performance. Carriers could use the truth of their better performances to attract customers from their less effective rivals. Moreover, the Federal Aviation Administration could use the averages to match staffing levels to peak traffic periods.

The policy would offer a valuable supplement to the F.A.A.'s air traffic display systems that soon will enable traffic managers to predict, alleviate, and perhaps forestall traffic congestion across the country. Even as controllers use this new air traffic display to reduce congestion, consumers could do their part by making use of new schedules to minimize their own travel time and frustration.

By Mr. INOUYE (for himself and Mr. HOLLINGS):

S. 1277. A bill to amend the Communications Act of 1934 reading the responsibilities of broadcasting licensees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BROADCASTING IMPROVEMENTS ACT

● Mr. INOUYE. Mr. President, over the past decade, we have seen the Federal Communications Commission react to changes in the broadcast marketplace by altering or eliminating many traditional regulatory require-

ments. From the first efforts to remove certain requirements for radio broadcasters to "postcard renewal" to the repeal of the 3 year antitrafficking rule to the ability to own more broadcast stations, the Commission—particularly in the past five years—has been on a clear deregulatory course. I have supported many of these Commission actions because our regulatory oversight must change to fit actual market conditions. At the same time, I have believed that we need to retain the bedrock public interest requirements since the broadcast market has yet to become fully competitive. So long as the public does have genuine alternatives to the broadcast media, it is imperative that broadcasters continue to be required to act in the best interests of the public.

We are now seeing the effects of these deregulatory actions, and there are definite problems. It is not surprising that broadcasters are paying more attention to the bottom line. What is surprising and most disconcerting is that many broadcasters are making this an exclusive goal. Public service—as opposed to the mere catering to commerical desires—has little meaning for these broadcasters. This fact can be demonstrated by looking at two headlines in the recent issue of the RTNDA Communicator: "News Staffs Trimmed in Major-Market Radio and Independent TV" and "Broadcast Editorials in Decline." Such stories are not unusual and are becoming more frequent. We can also see evidence of this by examining the frequent flipping of broadcast stations over the past few years. Broadcast licenses are not like other commodities. Because broadcast licensees use a limited public resource and because they are not subject to full competition, they need to act as public trustees so that the larger interests of the American public can be served.

It is because of the problems caused by the sum of these deregulatory actions that I am joining with my colleague, Senator HOLLINGS, to introduce the Broadcasting Improvements Act of 1987. Our objective here is to impose selected requirements to strengthen the incentives of broadcasters to serve the public interest. We do not intend in any way to return to the days of extensive Government oversight of the broadcast industry. That is simply not warranted. We also seek in this legislation to balance these requirements by alleviating certain regulatory burdens where costs have proven to outweigh the benefits.

The main provisions of this legislation that provide incentives for greater public service are:

One, the reinstatement of the 3-year antitrafficking rule; and

Two, the requirement that a broadcaster's overall programming—and for a television broadcaster, its nonentertainment programming and programming directed toward children—is meritorious and responds to the interests and concerns of the local community.

This legislation also seeks to maintain certain requirements that we believe are necessary to ensure our system of broadcasting serves the entire American public. It is for that reason that this bill codifies the minority and female preference policy, the distress sale and tax certificate policies, the restrictions on owning multiple broadcast licenses, and the assignment of key VHF channel to public broadcasters.

The provisions that ease regulatory burdens are the elimination of the comparative hearing requirement for license renewals and the restrictions on financial settlements. This legislation also contains language eliminating the "sunset" that the FCC has placed on its newly adopted must carry rules.

I expect there to be much discussion about this legislation and plan to hold hearings in about a month. I can assure all parties that we are open to their comments and will work with them to pass legislation that is properly balanced.

I ask unanimous consent that the bill be printed in the RECORD as well as a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Broadcasting Improvements Act of 1987".

TITLE I—RENEWAL OF BROADCAST LICENSES

RENEWAL OF A LICENSE

SEC. 101. (a) Section 309 of the Communications Act of 1934 (47 U.S.C. 309) is amended by adding at the end the following:

"(j)(1) In any case in which a radio broadcasting station licensee submits to the Commission an application for renewal of its licensee, the Commission shall grant such application if it finds that, during the preceding term of its license—

"(A) the licensee's programming, as a whole, has been meritorious and has responded to the interests and concerns of the residents in its service area, including through the coverage of issues of local importance;

"(B) the operation of the station by such licensee has been free of willful or repeated failure to observe any provision of this Act or any rule or regulation promulgated under this Act; and

"(C) the licensee continues to meet the qualifications prescribed under section 308(b) of this Act.

"(2) In any case in which a television broadcasting station licensee submits to the Commission an application for renewal of its license, the Commission shall grant such application if it finds that, during the preceding term of its license—

"(A) the licensee's programming, as a whole, and the non-entertainment programming and the programming directed towards children have been meritorious and have responded to the interests and concerns of the residents in its service area, including through the coverage of issues of local importance;

"(B) the operation of the station by such licensee has been free of willful or repeated failure to observe any provision of this Act or any rule or regulation promulgated under this Act; and

"(C) the licensee continues to meet the qualifications prescribed under section 308(b) of this Act.

"(3) The Commission shall randomly select ten percent of the television applications for renewal of a broadcast license in each calendar year for review under this paragraph. Each licensee submitting an application selected for review shall submit to the Commission the records maintained under section 102 of the Broadcasting Improvements Act of 1987 with regard to a period of one month during each year since the most recent renewal of such license, or since the date the station commenced operation, whichever is longer. The Commission shall review each renewal application selected, including the records and materials submitted, in order to ensure compliance with the standards specified in paragraph (2) of this subsection.

"(4) In making the determinations required by paragraphs (1) and (2) of this subsection, the Commission shall not consider whether the public interest, convenience and necessity might be served by the grant of a license to a competing applicant for the facilities involved.".

(b) The amendment made by subsection (a) of this section shall take effect six months after the date of enactment of this Act, and shall apply to applications filed on or after such date.

IMPLEMENTATION OF REVISED BROADCAST LICENSE RENEWAL PROCEDURES

SEC. 102. The Federal Communications Commission shall, not later than six months after the date of enactment of this Act, promulgate rules and procedures implementing the standards set forth in section 309(j) of the Communications Act of 1934, as added by section 101 of this title, and requiring every broadcast licensee to maintain records indicating the issues of interest and concern to the residents in its service area, and the meritorious and responsive programming broadcast by such licensee, including the coverage of issues of local importance and including, for television broadcast licensees, the non-entertainment programming and the programming directed towards children. Each such licensee shall annually place copies of such records in the public files of the station. Such records shall be in addition to the materials required under sections 3526 and 3527 of part 73 of title 47 of the Code of Federal Regulations (47 CFR 73.3526 and 3527).

LIMITATIONS ON FINANCIAL SETTLEMENTS

SEC. 103. (a) Section 309 of the Communications Act of 1934, as amended by section 102 of this title, is further amended by adding at the end the following:

"(k)(1) If an application for a broadcast license filed under subsection (a) or an application for renewal filed under subsection (j) of this section is pending before the Commission, it shall be unlawful for the applicant who filed such application and any other person to enter into any agreement under which such other person withdraws or withholds from filing a petition to deny

or informal objection with regard to any such application in exchange for the payment or promise of money or any other thing of value by or on behalf of such applicant, unless the consideration for such withdrawal or withholding is an agreement involving no monetary consideration and the agreement is approved by the Commission.

"(2) In accordance with such regulations as the Commission may prescribe, the prohibition specified in paragraph (1) of this subsection shall not apply to amounts legitimately and prudently expended or to be expended in connection with preparing, filing or advocating any such petition to deny or formal objection.

"(3) For purposes of this subsection, an application shall be deemed to be pending before the Commission until an order of the Commission is no longer subject to rehearing by the Commission or review by any court.".

(b) The amendment made by subsection (a) of this section shall take effect 90 days after the date of enactment of this Act, and shall apply to applications filed on or after such date.

TITLE II—BROADCAST OWNERSHIP STABILITY

PERIOD OF OWNERSHIP

SEC. 201. Section 307 of the Communications Act of 1934 (47 U.S.C. 307) is amended by adding at the end the following:

"(f) If, upon examination of an application for consent by the Commission to an assignment of a broadcast construction permit or license or the transfer of control of a corporate permittee or licensee, the Commission finds that the station involved has been operated on-air by the current licensee or permittee for less than three years, the application shall be denied unless—

"(1) the application involves only an FM translator station or FM booster station;

"(2) the application involves a pro forma assignment or transfer of control;

"(3) the assignor or transferor has made an affirmative factual showing, supported by affidavits of a person or persons with personal knowledge thereof, that establishes that, due to death or disability of station principals, or unavailability of capital or other materially changed circumstances affecting the licensee or permittee occurring subsequent to the acquisition of the license or permit, consent by the Commission to the proposed assignment or transfer of control will serve the public interest, convenience and necessity; and

"(4) the permit or license was authorized in accordance with any rule, regulation, or policy referred to in section 402 of the Broadcasting Improvements Act of 1987.".

TITLE III—MANDATORY CARRIAGE OF BROADCAST SIGNALS

EXPIRATION OF MANDATORY CARRIAGE

SEC. 301. (a) The Federal Communications Commission shall, not later than 10 days after the date of enactment of this Act, amend rules promulgated by the Commission requiring the mandatory carriage of qualified television broadcast signals to delete the expiration of such requirement contained in section 64 of part 76 of title 47, Code of Federal Regulations (47 CFR 76.64). Such amendment shall take effect on the date on which such amendment is made.

(b) The federal Communications Commission shall undertake a study to determine the impact of the rules regarding mandatory carriage of qualified television signals contained in part 76 of title 47, Code of Federal Regulations, on cable and over-the-air television. Such study shall be completed and transmitted to the Congress not later than December 31, 1992.

TITLE IV—DIVERSIFICATION IN OWNERSHIP OF BROADCAST STATIONS

CONSIDERATION OF CERTAIN APPLICANTS

SEC. 401. (a) Section 309 of the Communications Act of 1934, as amended by this Act, is further amended by adding at the end the following:

"(l)(1) Except as provided in subsection (i) of this section, in the granting of authorization to construct and operate broadcast stations for which there is more than one application, the Commission shall award—

"(A) a substantial enhancement credit to any applicant which is wholly owned or controlled by one or more women who will be integrated into the daily management of the broadcast station; and

"(B) an enhancement credit, greater than the credit provided under subparagraph (A) of this paragraph, to any applicant which is wholly owned or controlled by one or more members of a minority group who will be integrated into the daily management of the broadcast station.

"(2) For purposes of this subsection, the term 'minority group' has the meaning given to such term in subsection (i)(3)(C)(ii) of this section.".

GRANTS OF CERTAIN CERTIFICATES AND DISTRESS SALES

SEC. 402. The Federal Communications Commission shall not eliminate any rule, regulation or policy in effect on May 1, 1987—

(1) with respect to the granting of certificates under section 1071 of the Internal Revenue Code of 1986 for the sale or exchange of broadcast properties to entities owned or controlled by one or more members of a minority group; or

(2) with respect to the sale, prior to commencement of a hearing, or a broadcast station by a licensee whose license has been designated for a hearing regarding revocation or renewal to an entity wholly owned or controlled by one or more members of a minority group at a price substantially below its fair market value.

MULTIPLE OWNERSHIP OF BROADCAST STATIONS

SEC. 403. The Federal communications Commission shall not repeal or in any way alter the rules regarding multiple ownership contained in section 3555 of part 73 of title 47, Code of Federal Regulations (47 CFR 3555), as in effect on May 1, 1987.

TITLE V—MISCELLANEOUS PROVISIONS

EXCHANGE OF BROADCAST STATIONS

SEC. 501. The Federal Communications Commission shall take no action to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments contained in section 606 of part 73 of title 47, Code of Federal Regulations (47 CFR 73.606).

BROADCASTING IMPROVEMENTS ACT: SECTION-BY-SECTION ANALYSIS

TITLE I

Renewal of Broadcast Licenses (Section 101)

Subsection 101(a) amends section 309 of the Communications Act to add a new subsection (j). Subsection (j)(1) establishes the criteria a licensee must meet in order for the Commission to renew a radio broadcast license. Licensees will have to demonstrate that they have broadcast programming that is meritorious and responsive to the interests and concerns of the residents in their service area, including local programming on important issues. In addition, the Commission must find that a licensee has not intentionally or repeatedly violated the Communications Act or the Commission's rules and regulations and meets the requirements of section 308 of the Act. Subsection (j)(2) establishes the criteria a licensee must meet in order for the Commission to renew a television broadcast license. The criteria are the same as for the renewal of radio licenses except that a television licensee must demonstrate in addition that its non-entertainment programming and its programming directed towards children have been meritorious and responsive to the interests and concerns of the residents in the service area. Except as provided in subsection (j)(3) of this Act, the Commission may continue to permit licensees to use the "postcard" renewal process to demonstrate compliance with these new standards. The current "petition to deny" process remains in effect.

Subsection (j)(3) provides that each year 10 percent of the television renewal applications will be randomly selected for additional scrutiny by the Commission. Each licensee selected shall submit to the Commission program records maintained under Section 102 for one month for each year since their last renewal or since the date the station went on the air, whichever is longer. The Commission shall review each renewal application selected, including records and materials submitted, to ensure compliance with the renewal standards set forth in (j)(2).

Subsection (j)(4) provides that the issue of whether the public interest would be better served by the grant of a competing application shall not be a factor in deciding if a particular license should be renewed. The effect of this provision is to preclude the Commission from accepting or considering applications from other parties for authorization to operate on the licensee's frequency unless the Commission denies the licensee's renewal application.

Subsection 101(b) provides that subsection (a) shall take effect six months after the date of enactment.

Implementation of Revised Procedures (Section 102)

Section 102 directs the Commission to promulgate rules and procedures implementing the new renewal standards and requiring that licensees maintain records of the programming on important local issues, and on the meritorious and responsive programming broadcast, including, in the case of television stations, non-entertainment and children's programming. This subsection also provides that the new information to be maintained or submitted to the Commission is in addition to the recordkeeping requirements contained in the Commission's present rules.

Limitations on Financial Settlements (Section 103)

Subsection 103(a) amends Section 309 of the Communications Act to add a new subsection (k)(1) to prohibit the payment or promise of payment of any consideration in return for the withdrawal or promise to withhold the filing of a petition to deny a renewal application. Agreements entered into by the renewal applicant and another party are permitted provided that no monetary consideration is involved and the Commission approves the agreement.

Subsection (k)(2) provides that the challenging party may receive reimbursement

for its legitimate and prudent expenses incurred in connection with the submission of a petition to deny or formal objection.

Subsection (k)(3) provides that an application shall be considered as pending before the Commission until it is no longer subject to review by the Commission or any court.

Subsection 103(b) provides that this provision shall take effect 90 days after the date of enactment.

TITLE II

Broadcast Ownership Stability (Section 201)

Subsection 201(a) amends section 307 of the Communications Act. It prohibits the assignment or transfer of control of any broadcast station if the licensee or permittee has not owned the facility for at least three years, except in four instances: (1) the sale of only an FM translator or FM booster station; (2) a pro forma assignment or transfer of control, where there is no change in the individuals who control or have the power to influence the operation of the station, for example, where the name of the corporation changes; (3) the sale is necessitated by the death or disability of station principals, financial distress, or other materially changed circumstances; and (4) the station is being transferred to an entity controlled by one or more members of a minority group under the policies set forth in Section 402 of this Act.

Subsection 201(b) provides that this provision shall take effect 90 days after the date of enactment.

TITLE III

Must-Carry (Section 301)

Subsection 301(a) instructs the Commission to eliminate the sunset provision of the cable mandatory carriage rules (which terminates the requirement that cable systems carry local television stations after 1992) within 10 days of enactment of this Act.

Subsection 301(b) requires the Commission to conduct a study by 1992 on the impact of the mandatory carriage rules on cable and over-the-air television.

TITLE IV

Diversification in Ownership (Section 401)

Section 401 amends Section 309 of the Communications Act to add subsection (1) to codify the preferences awarded to minorities and females in comparative proceedings for new broadcast facilities. Subparagraph (l)(1)(A) requires the Commission to award a substantial enhancement credit to any applicant controlled by one or more women who propose to work in the daily management of the station. Subparagraph (l)(1)(B) requires the Commission to award an enhancement credit greater than the credit provided in subparagarph (A) to any applicant controlled by one or more members of a minority group who propose to work fulltime in daily management of the station.

Subsection (l)(2) defines "minority group" as having the same meaning set forth in Subsection (i)(3)(C)(ii) of Section 309.

Grants of Certain Certificates and Distress Sales (Section 402)

Section 402 prohibits the Commisison from eleminating its current policy of awarding tax certificates pursuant to Section 1071 of the Internal Revenue Code for the sale of broadcast facilities to entities controlled by one or more members of a minority group and its policy of permitting distress sales of broadcast stations to entities controlled by one or more members of a minority group.

Multiple Ownership (Section 403)

Section 403 prohibits the Commission from eliminating or altering its multiple ownership rules: the 12-12-12 rule (which prohibits the ownership of more than twelve AM stations, twelve FM stations and twelve television stations by one entity or individual); the duopoly rule (which prohibits the ownership of two stations in the same service in the same market, i.e. two AM's in the same community); the one-to-a-market rule (which prohibits the ownership of more than one broadcast station in a particular service in the same market, i.e. an AM and TV); and the newspaper crossownership rule (which prohibits the ownership of a daily newspaper and a broadcast station in the same community).

TITLE V

UHF/VHF Swaps (Section 501)

Section 501 prohibits the Commission taking any action that would diminish the number of VHF channels allocated to noncommercial educational television stations in the Table of Assignments.●

● Mr. HOLLINGS. Mr. President, we are finally seeing the return of common sense. A few years ago, it seemed that virtually everyone around here was chanting the sacred mantra: "deregulation, deregulation, deregulation." Our policymakers were mesmerized by its ring and placed great faith in it. Now, we are seeing that all of deregulation's great promises have not come to pass, and that any benefits we derived have been accompanied by problems.

Common sense now returns to correct what has gone wrong. Early in the year, the Commerce Committee reported legislation dealing with transportation safety and drug use. Just last week, we reported legislation on the matter of airline safety. Here today, we continue our work—begun with the Fairness Doctrine bill—to address problems in the broadcast industry.

The recently departed Chairman of the FCC, Mark Fowler, used to say that policymakers should treat broadcast stations just like they do toasters. He used to say that we shouldn't worry, the marketplace will protect everyone. Well, the facts demonstrate otherwise.

Broadcasters used to be the epitome of the local citizen dedicated to serving the community. Many still are. But lately we have seen the emergence of a new generation of broadcasters—the post deregulation breed—who seem to care only about the bottom line on their balance sheets. The dollar philosophy of these broadcasters is beginning to dominate the industry. Even those dedicated to public service have felt its effects. It is sort of like Gresham's law—bad broadcasters drive good broadcasters out of the market.

We now see that Government oversight is absolutely essential to the public interest. I know many broadcasters belive this to be so. The public trust requirement benefits them.

That is why Senator INOUYE and I have introduced the Broadcasting Improvements Act. This bill will provide some meaning to the broadcaster's public trust requirement. It will also reduce some burdens on broadcasters that are no longer warranted. What it represents is a return to common sense.

We all know what to do when your toaster keeps burning the toast. You fix it. And that's just what we aim to do by this legislation. I hope we can move forward to pass it as expeditiously as possible.●

By Mr. TRIBLE:

S. 1278. A bill to permit certain payments under the act of September 30, 1950 (Public Law 874, 81st Congress) based on incorrect determinations under section 2(a)(1)(C) of that act; to the Committee on Labor and Human Resources.

BATH AND CRAIG COUNTIES SCHOOL DISTRICTS LEGISLATION

Mr. TRIBLE. Mr. President, I am introducing legislation to provide desperately needed relief for Virginia's Bath and Craig County School Districts and I urge my colleagues to join with me in this effort.

Since 1972, Bath County and Craig County School Districts had been receiving moneys under the Federal Government's Impact Aid Program. This program provides funds to school districts which have a significant amount of nontaxable Federal land under their jurisdiction.

However, both Bath County and Craig County were recently informed by the Department of Education that they did not qualify for all amounts of Federal impact aid moneys received. As a result of bureaucratic bungling, these school districts have apparently been receiving the Federal subsidy although they did not meet the eligibility requirements.

Payments to Bath County School District have suddenly been cut off. Bath County must now find a way to continue meeting the needs of its school system without the Federal funding.

Not only have payments suddenly stopped, but the Federal Government is now demanding that Bath County repay all moneys it received under the Impact Aid Program for the last 15 years.

Craig County just learned that—although it was originally deemed eligible to receive impact aid—the Department of Education has determined that it was actually ineligible to receive payments from 1972 to 1977. Now, the Federal Government wants this money back.

Mr. President, these demands are intolerable. Both school districts cooperated fully with the Department of Education when the original determi-

nation of eligibility was made and during reviews of their eligibility status. Through no fault of their own, and certainly without any attempt to mislead the Federal Government, these school districts have learned that mistakes were made in the original assessments.

Bath County and Craig County should not be required to pay for mistakes made by the Federal Government. Moreover, attempts to comply with the Government's request would be devastating.

The Federal Government should bear the burden of its own mistake rather turning to there school districts which acted in good faith reliance on Government eligibility determinations. Bureaucratic errors should be borne by those departments which committed them, not by the school districts.

I urge my colleagues to assist Bath and Craig Counties.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, the amount of any payment made to a local educational agency, for fiscal years prior to 1986, that is attributable to an incorrect determination under section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) shall be deemed to have been made in accordance with such section.

(b) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount of payments made pursuant to this Act.

By Mr. LEAHY (for himself, Mr. HATFIELD, Mr. ADAMS, Mr. BAUCUS, Mr. BUMPERS, Mr. CHILES, Mr. DANFORTH, Mr. FOWLER, Mr. GORE, Mr. KARNES, Mr. LUGAR, and Mr. SASSER):

S. 1279. A bill to extend the Renewable Resources Extension Act of 1978; to the Committee on Agriculture, Nutrition, and Forestry.

RENEWABLE RESOURCES EXTENSION ACT AMENDMENTS

● Mr. LEAHY. Mr. President, on behalf of myself and the distinguished senior Senator from Oregon, Senator HATFIELD, I am introducing legislation today to reauthorize the Renewable Resources Extension Act of 1978. We are pleased to be joined by Senators ADAMS, BAUCUS, BUMPERS, CHILES, DANFORTH, FOWLER, GORE, KARNES, LUGAR, and SASSER in sponsoring this important legislation.

I am particularly pleased to be introducing this reauthorization with my distinguished colleague from Oregon, with whom I worked in authoring this legislation in 1978. At that time, we envisioned the Renewable Resources Extension Act [RREA] as a means of expanding and encouraging natural resources programs within the Cooperative Extension System. And I believe we can be proud of its accomplishments to date.

Since the program was first funded in fiscal year 1982, RREA funds have been used in all 50 States for natural resource education programs. The funding has been used in a variety of different ways: Annually, about 70 percent is used for forest management and wood utilization programs, between 9 to 15 percent is spent on range management programs, and between 9 to 12 percent is used for fish and wildlife programs. The program has been extremely successful in generating State and county natural resource extension activity as well. Every dollar of Federal investment through RREA has generated at least three times that in State and local investment in renewable resource extension activities.

In the State of Vermont, RREA funding has been particularly valuable in promoting forestland management. While more than 80 percent of Vermont is forested, less than 30 percent of this land is under management. In fiscal year 1985, RREA funds were used to add two natural resource specialists to the Extension Service staff, in order to encourage forest management by educating landowners in basic forest management skills. Funds have also been used to educate landowners in forest products marketing—education that should led to increased timber and fuelwood sales.

Other States have developed educational programs designed to fit their State's resource base and needs. Some have focused on rangeland restoration and improvement, others have developed environmental education programs for youths. Many States have expanded management and marketing skills training. The value of the RREA program is further enhanced by its flexibility. Under the guidance of the Cooperative Extension System, States have been able to tailor their RREA program to fit the unique needs and ongoing work of State and local extension offices.

The need for the Renewable Resources Extension Act is as great now as it was in 1978. Seventy-one percent of the commercial forest land and 64 percent of the rangelands in the contiguous United States are privately owned. These lands represent the greatest potential source of the future supply of renewable natural resources in this country. Yet the lack of knowledge of management alternatives among private landowners and managers continues to limit the potential of our private forests and rangelands to provide these resources.

In addition, the economic opportunities possible from improved management and marketing of renewable resources have become increasingly important to farmers and ranchers looking to augment their income from traditional agricultural operations. The RREA Program, by maintaining a strong extension education delivery system, has helped—and can continue to help—increase these opportunities.

An integral goal of the RREA is to promote sound natural resource stewardship. As evidenced from the increasing concern over ground water quality, nonpoint source pollution and pesticide use, proper land management practices have become critical to the health of our land and water resources. For this reason, a continued commitment to promoting sound resource management practices among landowners and users is surely a wise long-term investment.

The Renewable Resources Extension Act is scheduled to expire on September 30, 1988. My bill would reauthorize the RREA through 1998, at its currently authorized annual funding level of $15 million. While appropriations for the RREA have not exceeded $3 million in any fiscal year, I believe that a $15 million annual investment in resource management education and training programs is certain to return many times that in future dividends.

Mr. President, as public debate increases over the best use of our public lands throughout the remainder of this century and into the next, we must focus on the potential of this country's private lands to provide many of our future renewable resources. It makes sense to continue the commitment we made in 1978 to provide sound resource management education to the owners and users of these private lands. For by doing so we will not only be expanding the economic opportunities of rural Americans, we will also be ensuring that these lands will contribute to the future wealth and needs of Americans well into the next century.

Mr. President, I hope my colleagues will consider giving their support to this valuable legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Resources Extension Act Amendments of 1987".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended by striking out the first sentence

and inserting in lieu thereof the following new sentence: "There are authorized to be appropriated to implement this Act $15,000,000 for fiscal year 1988, and $15,000,000 for each of the next 10 fiscal years.".

SEC. 3. EXTENSION PROGRAMS.

Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note) is amended by striking out "1988" and inserting in lieu thereof "1998".●

● Mr. HATFIELD. Mr. President, I am delighted to join my colleague from Vermont in bringing this important legislation before the Senate. The Renewable Resources Extension Act has been a valuable tool in developing and conserving our most precious resources.

When Congress first authorized the Renewable Resources Extension Act in 1987, it was with the hope that progams could be developed which would increase our understanding of our forest, range, and wetland areas that yield renewable resources. This is an important task because these lands cover 70 percent of the surface area of the United States. Since the program was first funded in fiscal year 1982, RREA has met its congressional mandate and continues to function as intended.

During fiscal year 1985, the most recent year for which complete statistics are available, $2.5 million was utilized by RREA in 43 States to meet the program goals of developing and delivering educational programs that enhance our understanding of forest and rangeland. What may be most important, the various States which received RREA funding were able to develop programs without excessive Federal interference. Under the guidance of the Cooperative Extension Service, individual States can tailor programs to meet the needs of its citizens and resources.

My own State created a coordinated extension service which concentrates on four areas: forest land management, rangeland management, fish and wildlife management, and outdoor recreation. Each of those areas is very important to the economic health of Oregon and the long term economic health of this Nation. Some States have used funds to educate financially troubled farmers about how to supplement their incomes by utilizing effective wildlife and forest land management.

Like other Extension Service programs, the RREA is a cooperative program involving Federal, State, and local governments. In addition to paid staff members who plan programs to meet the needs of local areas, a large group of volunteers tirelessly gives of their time and talents. Extension has proven to be a valuable Federal program because it translates a national need, education, into local action and solutions. After all, national problems are no more than local problems which persist in various locations.

One of the initial goals of RREA was to focus attention upon the need to preserve our resources. Measured within the framework of the Extension Service, that is precisely what has happened. During fiscal year 1980, prior to the funding of RREA, only 1.8 percent of all extension funding was used for renewable resource education. With the leverage provided by RREA, this figure had rose to nearly 3 percent by fiscal year 1985.

As our Nation begins to run short of its finite resources, it becomes even more important for us to understand, utilize, and enhance our renewable resources. By reauthorizing the Renewable Resources Extension Act, Congress can take an important step to ensure that we will be able to produce the food, fiber, industrial materials, wildlife habitat, clean air, and recreational opportunities our citizens will need in the next century. I urge all of my colleagues to join the effort to reauthorize this important program.●

By Mr. QUAYLE:

S. 1280. A bill to increase the sale of U.S.-made auto parts and accessories to Japanese markets for original and after-market equipment in Japan, in the United States and in third markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FAIR TRADE IN AUTO PARTS ACT

● Mr. QUAYLE. Mr. President, today I am introducing legislation designed to improve sales of U.S.-made automotive parts and accessories to Japanese markets in Japan, in the United States and in other countries.

I plan to offer my initiative as an amendment to S. 490, the Omnibus Trade Act of 1987, which the Senate is scheduled to take up within the next few weeks.

My bill, the Fair Trade in Auto Parts Act of 1987, is intended to help address the serious inequity that now exists between the United States and Japan in auto-parts trade.

Of the $58.6 billion U.S. trade deficit with Japan in 1986, $33.3 billion was in automotive-related commerce, including $3.6 billion in auto parts alone, according to the U.S. Department of Commerce.

American manufacturers supplied less than 1 percent of the $55 billion worth of original and after-market parts and components used in vehicles assembled and serviced in Japan last year—and no more than 40 percent of the parts used in vehicles assembled at Japanese auto plants here in the United States.

The health of this basic American industry is critical to the health of our Nation's economy. Nationwide, 3,300 auto parts and accessories manufacturers employ over 370,000 workers. In Indiana, the heart of the automotive-component manufacturing industry, there are more than 115 parts-makers with a total work force of nearly 32,000 employees.

The gross imbalance in United States-Japan auto-parts trade cannot be blamed on inferior American-made products. Nor is it due to any failure of United States parts manufacturers to deliver price-competitive and quality components and accessories to Japanese automakers on time.

No, the problem is that Japanese car companies have developed very close ties to Japanese parts suppliers, and American companies have been unable to break those bonds and gain the fair access to the Japanese parts market they deserve.

Since last August, the United States and Japan have been engaged in negotiations—the Market Oriented, Sector-Specific [MOSS] Talks on transportation equipment—that are focusing on opening Japanese markets in Japan and the United States to American-made original equipment and after-market auto parts.

But to date, despite the concerted efforts of the American delegation, which is led by Under Secretary of Commerce for International Trade S. Bruce Smart, the MOSS talks on auto-parts trade have produced only marginal gains. For that reason, and because the year-long negotiations are scheduled to conclude this August, I believe legislation is needed to press Japanese automakers further to increase their purchases of American-made parts.

Our negotiators at the MOSS talks have made several suggestions that deserve attention and support. One important United States objective is the development of a system for the monitoring of Japanese purchases of American-made parts. In order to measure any improvement in sales accurately, we must have a credible system of accounting. I support this initiative as long as the United States and Japanese Governments supervise its implementation, and I stressed this point in a February meeting in my office with Japanese Vice Minister of Trade Makato Kuroda. While I have been disappointed with the progress of the MOSS talks on this point to date, I remain hopeful that the Japanese will cooperate in the development of a responsible and reliable system of monitoring.

The monitoring of sales is essential after the fact, but on a more fundamental level, I believe the key to stimulating increased commerce between United States suppliers and Japanese automakers is accelerated industry-to-industry contact and education. The MOSS talks have already led to increased communication, new business opportunities and a better mutual un-

derstanding of the situation facing U.S. parts companies seeking access to the Japanese market.

For example, last September, I was pleased to announce a $464,000 Trade Adjustment Assistance [TAA] grant by the U.S. Commerce Department to the Motor and Equipment Manufacturers Association [MEBA] for the establishment of an office in Japan to promote sales of U.S.-made auto parts and accessories.

Another constructive outgrowth of the MOSS Talks is taking place today and tomorrow in Indianapolis, where the U.S. Commerce Department, Senator LUGAR and I are sponsoring a national conference on selling auto parts to the Japanese. Designed to bring American auto-parts manufacturers together with Japanese auto executives and United States trade experts in an effort to open Japanese markets, this 2-day conference is featuring panel discussions and workshops led by senior official of the United States Commerce Department and senior personnel of eight top Japanese automakers.

Proof that there is a recognized need for further bilateral exchanges of this sort can be found in the number of people who registered for the Indianapolis Conference on Selling Auto Parts to the Japanese. It attracted more than 425 individuals representing over 250 American parts manufacturers from 26 States—including 96 registrants from 56 parts-makers in Indiana alone.

The conference is also welcome evidence that the Japanese delegation to the MOSS Talks is beginning to understand that that their willingness to resolve this dispute has implications for United States-Japan trade relations in areas well beyond that of auto parts and accessories. The Indianapolis Conference on Selling Auto Parts to Japan is being held in cooperation with the Japanese Ministry of International Trade and Industry [MITI] and the Japanese Automobile Manufacturers Association [JAMA].

But while the MOSS talks have helped curb the Japanese bias against purchasing American-made parts to a modest extent, our efforts to open Japanese markets must not end when the auto-parts trade talks conclude in August.

It is essential that we establish a framework for continued industry-to-industry communication and sales promotion, monitoring and reporting to sustain and capitalize on government-to-government pressure our negotiators have brought to bear during the MOSS Talks.

That is the purpose of the Fair Trade in Auto Parts Act I am introducing today.

My bill would direct the Secretary of the United States Department of Commerce to establish within that agency a program to increase the sale of American-made auto parts and accessories to Japanese markets in Japan, in the United States and in other countries. The bill clearly and simply details the steps the Commerce Secretary should take in implementing this initiative. In addition, my bill would require the Secretary to report annually to Congress on sales of United States-made auto parts in Japanese markets.

The Fair Trade in Auto Parts Act also would direct the Commerce Secretary to appoint and chair a special industry advisory committee on auto parts sales in Japan. Although the size and membership of this panel would be left to the Secretary's discretion, it is my expectation that it would be comprised of senior management and labor representatives of the American auto-parts and accessories industry and senior officials of the Federal Government. The special industry advisory committee on auto-parts sales in Japan would be charged with monitoring auto-parts sales data, reporting to the Commerce Secretary on barriers to Japanese markets, counseling him during consultations on auto-parts trade issues with the Japanese and reporting to Congress annually on progress achieved through the Commerce Department's auto-parts sales-promotion program.

Mr. President, I am a staunch advocate of free trade, but I insist on fair trade. The bill I am introducing today provides for a nonprotectionist but aggressive Federal initiative to help remedy the intolerable situation now faced by American auto parts and accessories manufacturers, who are being denied access to Japanese markets because Japanese automakers are engaging in wholly inappropriate, collusive procurement practices.

The adopting of the Fair Trade in Auto Parts Act will send an unmistakable message to both Japanese automakers and the Japanese Government that the United States fully intends to extend and expand its efforts to open Japanese markets to American-made parts long after the MOSS talks on auto-parts trade conclude this summer.

I invite my colleagues who share my commitment to fair trade in auto parts to cosponsor this bill—and to back my proposal when I offer it as amendment to the Senate's omnibus trade bill.

I ask unanimous consent that the text of the Fair Trade in Auto Parts Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act may be cited as the "Fair Trade in Auto Parts Act of 1987."

SEC. 2. ESTABLISHMENT OF INITIATIVE ON AUTO PARTS SALES TO JAPAN.

(a) IN GENERAL.—The Secretary of Commerce shall establish an initiative to increase the sale of U.S.-made auto parts and accessories to Japanese markets in Japan, in the United States and in third markets.

(b) FUNCTIONS.—In carrying out this Section, the Secretary shall—

(1) foster increased access for U.S.-made auto parts and accessories to Japanese companies, including specific consultations on access to markets in Japan,

(2) increase the exchange of information between United States auto parts manufacturers and the Japanese automobile industry,

(3) collect data and market information on the Japanese automotive industry regarding needs, trends and procurement practices, including the types, volume and frequency of parts sales to Japanese automotive companies located in Japan, in the United States and in third markets,

(4) establish and identify contacts with Japanese automotive companies in order to facilitate contact between United States auto parts manufacturers and Japanese automotive companies,

(5) report on and attempt to resolve disputes which result in barriers to increased commerce between United States auto parts manufacturers and Japanese automotive companies,

(6) take actions to initiate periodic consultations with officials of the Government of Japan regarding sales of U.S.-made auto parts in Japanese markets,

(7) submit annual written reports or otherwise report annually to Congress on sales of U.S.-made auto parts in Japanese markets.

SEC. 3. ESTABLISHMENT OF SPECIAL INDUSTRY ADVISORY COMMITTEE ON AUTO PARTS SALES IN JAPAN.

(a) IN GENERAL.—The Secretary of Commerce shall seek the advice of the U.S. automotive parts industry in carrying out the intent of this Act.

(b) STRUCTURE OF COMMITTEE.—The Secretary of Commerce shall select and establish a Special Industry Advisory Committee for purposes of carrying out this Act.

(c) FUNCTIONS.—The Special Industry Advisory Committee established in this Act shall—

(1) report to the Secretary of Commerce on barriers to sales of U.S.-made auto parts and accessories in Japanese markets,

(2) review and consider sales data collected,

(3) advise the Secretary of Commerce during consultation with the Government of Japan on issues concerning sales of U.S.-made auto parts in Japanese markets,

(4) establish goals for and otherwise provide assistance and direction to the Secretary of Commerce in carrying out the intent of Section 1 above, and

(5) report to Congress annually on the progress in sales of U.S.-made auto parts in Japanese markets.

(d) AUTHORITY FOR SPECIAL INDUSTRY ADVISORY COMMITTEE.—The Special Industry Advisory Committee shall, to the extent possible, draw upon the resources of the Department of Commerce as the Secretary may determine necessary to carry out the purposes of this Act.

SEC. 4. EXPIRATION DATE.—The authority for this act shall expire on December 31, 1993.●

ADDITIONAL COSPONSORS

S. 124

At the request of Mr. INOUYE, the name of the Senator from Massachusetts [Mr. KERRY], was added as a cosponsor of S. 124, a bill to amend title XVIII of the Social Security Act to provide that certified nurse-midwife services are covered under part B of Medicare.

S. 178

At the request of Mr. RIEGLE, the name of the Senator from Connecticut [Mr. WEICKER], was added as a cosponsor of S. 178, a bill to amend the Social Security Act to provide for improved procedures with respect to disability determinations and continuing disability reviews and to modify the program for providing rehabilitation services determined under such act to be under a disability, and for other purposes.

S. 220

At the request of Mr. SYMMS, the names of the Senator from Nebraska [Mr. KARNES], and the Senator from Nevada [Mr. HECHT], were added as cosponsors of S. 220, a bill to require the voice and vote of the United States in opposition to assistance by international financial institutions for the production of commodities or minerals in surplus, and for other purposes.

S. 274

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma [Mr. NICKLES], was added as a cosponsor of S. 274, a bill to restrict the use of federal funds available to the Bureau of Prisons to perform abortions.

S. 419

At the request of Mr. SIMON, his name was added as a cosponsor of S. 419, a bill to require specific congressional authorization for certain sales, exports, leases, and loans of defense articles, and for other purposes.

S. 530

At the request of Mr. HEINZ, the name of the Senator from North Dakota [Mr. BURDICK], was added as a cosponsor of S. 530, a bill to delay for 1 year the changes made by the Tax Reform Act of 1986 in the taxable years of certain entities, and for other purposes.

S. 567

At the request of Mr. DECONCINI, the name of the Senator from Missouri [Mr. DANFORTH], was added as a cosponsor of S. 567, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 675

At the request of Mr. MITCHELL, the names of the Senator from Delaware [Mr. ROTH], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH], were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 715

At the request of Mr. HARKIN, the name of the Senator from Hawaii [Mr. MATSUNAGA], was added as a cosponsor of S. 715, a bill to prohibit any active duty, commissioned officer of the Armed Forces of the United States from serving as the Assistant to the President for National Security Affairs, and for other purposes.

S. 769

At the request of Mr. JOHNSTON, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 769, a bill to amend the Public Health Service Act to authorize assistance for centers for minority medical education, minority pharmacy education, minority veterinary medicine education, and minority dentistry education.

S. 780

At the request of Mr. REID, the names of the Senator from Colorado [Mr. WIRTH], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 780, a bill to amend the enforcement provisions of the Federal Election Campaign Act of 1971.

S. 784

At the request of Mrs. KASSEBAUM, the names of the Senator from Nebraska [Mr. KARNES], the Senator from Indiana [Mr. LUGAR], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 784, a bill to provide that receipts and disbursements of the Highway Trust Fund and the Airport and Airway Trust Fund shall not be included in the totals of the budget of the United States Government as submitted by the President or the congressional budget.

S. 926

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 926, a bill to amend the Development Disabilities Assistance and Bill of Rights Act to provide grants for the operation of the National Information System for Health Related Services.

S. 998

At the request of Mr. DECONCINI, the names of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 998, a bill entitled the "Micro Enterprise Loans for the Poor Act".

S. 1069

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as cosponsor of S. 1069, a bill to revise and extend the older American Indian grant program under the Older Americans Act of 1965, and for other purposes.

S. 1070

At the request of Mr. RIEGLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1070, a bill to increase the amount authorized to be allotted under title XX of the Social Security Act.

S. 1081

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1981, a bill to establish a coordinated National Nutrition Monitoring and Related Research program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan.

S. 1194

At the request of Mr. DOMENICI, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1194, a bill to transfer jurisdiction over certain lands in Bernalillo County, New Mexico, from the General Services Administration to the Veterans' Administration.

S. 1203

At the request of Mr. GRASSLEY, the names of the Senator from Indiana [Mr. QUAYLE], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1203, a bill to amend title 22, United States Code, to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization, and for other purposes.

S. 1220

At the request of Mr. KENNEDY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1220, a bill to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

SENATE JOINT RESOLUTION 14

At the request of Mr. HELMS, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Utah [Mr. GARN], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the third week of June of

each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 38

At the request of Mr. DOLE, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE JOINT RESOLUTION 40

At the request of Mr. KASTEN, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. SASSER], the Senator from North Dakota [Mr. CONRAD], the Senator from Utah [Mr. GARN], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Nevada [Mr. REID], the Senator from Florida [Mr. CHILES], the Senator from Michigan [Mr. RIEGLE], the Senator from Washington [Mr. EVANS], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of Senate Joint Resolution 40, a joint resolution to give special recognition to the birth and achievements of Aldo Leopold.

SENATE JOINT RESOLUTION 51

At the request of Mr. EXON, the names of the Senator from California [Mr. CRANSTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Illinois [Mr. SIMON], the Senator from Michigan [Mr. RIEGLE], the Senator from Ohio [Mr. GLENN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 51, a joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week."

SENATE JOINT RESOLUTION 72

At the request of Mr. GORE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the week of October 11, 1987, through October 17, 1987, as "National Job Skills Week."

SENATE JOINT RESOLUTION 76

At the request of Mr. QUAYLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Joint Resolution 76, a joint resolution to designate the week of October 4, 1987, through October 10, 1987 as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 86

At the request of Mr. DECONCINI, the names of the Senator from Virginia [Mr. TRIBLE] and the Senator from Oklahoma [Mr. BOREN], were added as cosponsors of Senate Joint Resolution 86, a joint resolution to designate October 28, 1987, as "National Immigrants Day."

SENATE JOINT RESOLUTION 87

At the request of Mr. RIEGLE, the names of the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Indiana [Mr. LUGAR], were added as cosponsors of Senate Joint Resolution 87, a joint resolution to designate November 17, 1987, as "National Community Education Day."

SENATE JOINT RESOLUTION 105

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland [Ms. MIKULSKI], was added as a cosponsor of Senate Joint Resolution 105, a joint resolution to designate December 7, 1987, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 121

At the request of Mr. TRIBLE, the names of the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. GORE], and the Senator from Arizona [Mr. DECONCINI], were added as cosponsors of Senate Joint Resolution 121, a joint resolution designating August 11, 1987, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 133

At the request of Mr. DECONCINI, the names of the Senator from Illinois [Mr. DIXON] and the Senator from New York [Mr. D'AMATO], were added as cosponsors of Senate Joint Resolution 133, a joint resolution prohibiting the sale to Saudi Arabia of 12 F-15 aircraft.

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. HEFLIN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated.

SENATE RESOLUTION 174

At the request of Mr. DECONCINI, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Resolution 174, a resolution expressing the sense of the Senate condemning the Soviet-Cuban build-up in Angola and the severe human rights violations of the Marxist regime in Angola.

AMENDMENT NO. 207

At the request of Mr. HEINZ, the name of the Senator from South Dakota [Mr. PRESSLER], was added as a cosponsor of Amendment No. 207 proposed to H.R. 1827, a bill making supplementary appropriations for the fiscal year ending September 30, 1987, and for other purposes.

SENATE RESOLUTION 221—AUTHORIZING THE TESTIMONY OF CERTAIN SENATE EMPLOYEES

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 221

Whereas, in the case of *United States* v. *Keykavous Hemmati*, Crim. No. 3937-87, pending in the Superior Court of the District of Columbia, the United States has obtained subpoenas for the testimony of Joan Drummond and Carol S. Kiser, two employees of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of employees of the Senate may be needed in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Joan Drummond and Carol S. Kiser are authorized to testify in the case of *United States* v. *Keykavous Hemmati.*

SENATE RESOLUTION 222—DIRECTING THE SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE IN A CERTAIN CASE

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 222

Whereas, in *In re Sealed Case,* No. 87-5168, pending in the United States Court of Appeals for the District of Columbia Circuit, the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598, which provides for the appointment, duties, and removal of independent counsels, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a) (1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *In re Sealed Case* in support of the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1987

METZENBAUM (AND HATCH) AMENDMENT NO. 218

Mr. METZENBAUM (for himself and Mr. HATCH) proposed an amendment to the bill (H.R. 1827) making supplement appropriations for the fiscal year ending September 30, 1987, and for other purposes; as follows:

At the end of the bill, add the following new section:

Sec. . (a) Notwithstanding any provision of this Act, there are appropriated, out of the money in the Treasury not otherwise appropriated, for an additional amount for "Food and Drug Administration, Salaries and expenses", which shall be available for grants and contracts under section 5 of the Orphan Drug Act, $500,000.

(b) Notwithstanding any provision of this Act, the total amount of appropriations for travel, transportation, and subsistence expenses under chapter 57 of title 5, United States Code, for each program, project, activity, or account of the Department of Health and Human Services under this or any other Act for fiscal year 1987, are reduced by a total amount of $500,000.

MELCHER (AND OTHERS) AMENDMENT NO. 219

Mr. MELCHER (for himself, Mr. PRESSLER, Mr. INOUYE, and Mr. MATSUNGA) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 62, after line 26, insert the following:

BUREAU OF LABOR STATISTICS

From amounts appropriated under the joint resolution entitled "A Joint Resolution making continuing appropriations for the fiscal year 1987, and for other purposes", approved October 30, 1986 (Public Law 99-500 and Public Law 99-591) and available to the Department of Labor, the Secretary of Labor shall develop data for, and publish, an index of consumer prices which accurately reflects the distribution of expenditures on goods and services, and the inflation rate within these goods and services, which are purchased by older Americans, and the Secretary shall furnish the Congress with the data and index within 90 days after the date of adoption of this Act.

DIXON (AND OTHERS) AMENDMENT NO. 220

Mr. DIXON (for himself Mr. METZENBAUM, Mr. HEINZ, Mr. RIEGLE, and Mr. BINGAMAN) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 35, line 13, strike out "$207,476,749" and insert in lieu thereof "$107,476,749".

On page 61, between lines 21 and 22, insert the following:

"For an additional amount for 'Training and employment services' for the Summer Youth Employment and Training Program for program year 1986, $100,000,000, which shall be allotted promptly to the States so that each service delivery area receives, as nearly as possible, an amount equal to its prior year allocation for this program.".

BINGAMAN (AND DOMENICI) AMENDMENT NO. 221

Mr. BINGAMAN (for himself and Mr. DOMINICI) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 55, line 17 before the period, insert the following:

SEC. . (a) Provided further, that no school operated by the Bureau of Indian Affairs may be transferred to the control of any tribal, State, or local government until the Secretary of the Interior has submitted to the Congress, or to the appropriate committees of the Congress—

(1) a report on the studies and surveys required under section 1121(a) of Public Law 95-561 (25 U.S.C. 2001(a)), and

(2) the report required under section 1136(a) of Public Law 95-561 (25 U.S.C. 2016(a)) for fiscal year 1986.

(b) Subsection (a) shall not apply with respect to any transfer of a school to the control of an Indian tribe under a contract entered into under the Indian Self-Determination and Education Assistance Act if the governing body of the Indian tribe approves of the transfer.

MELCHER (AND OTHERS) AMENDMENT NO. 222

Mr. MELCHER (for himself, Mr. WIRTH and Mr. BUMPERS) proposed an amendment to the bill H.R. 1827, supra; as follows:

At the appropriate place insert the following:

Notwithstanding any other provision of law, no oil shale mining claim located pursuant to the General Mining Law of 1872, as amended (30 U.S.C. Sec. 22, *et seq.*, 17 Stat. 91) shall be eligible for patent, nor shall any oil shale patent be issued, after the date of enactment of this provision, until Congress directs otherwise. This provision shall not apply to Patent Application Serial Nos. C-012327 and C-016671.

MOYNIHAN (AND OTHERS) AMENDMENT NO. 223

Mr. MOYNIHAN (for himself, Mr. DIXON, Mr. D'AMATO, and Mr. SIMON) proposed an amendment to the bill H.R. 1827, supra; as modified:

On page 46, at the end of line 26, insert the following:

Provided further, that any funds appropriated and available for obligation and expenditure under section 108 (a) (1) and (5) of P.L. 99-190 as amended, shall remain available for obligation and expenditure through September 30, 1988, or during the two year period following the date by which all such funds have been obligated, whichever date is later.

DECONCINI (AND OTHERS) AMENDMENT NO. 224

Mr. DECONCINI (for himself, Mr. DOMENICI, and Mr. D'AMATO) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 86, after line 17 but before line 18, insert the following:

COAST GUARD

OPERATING EXPENSES

(TRANSFER OF FUNDS)

For an additional amount of "Operating Expenses", $4,120,000, to be derived by transfer from "United States Customs Service, Operation and Maintenance, Air Interdiction Program".

HOLLINGS (AND RUDMAN) AMENDMENT NO. 225

Mr. HOLLINGS (for himself and Mr. RUDMAN) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 3, after line 11 insert the following:

Funds appropriated or otherwise made available to the Department of Commerce and the National Oceanic and Atmospheric Administration shall be available for the procurement of launch services for geostationary weather satellites I, J, and K, to be conducted only by the National Aeronautics and Space Administration: *Provided*, That such procurement may be conducted by the Department of Commerce upon written certification to the appropriate Committees of the Congress prior to July 1, 1987, that the conduct of such procurement by the Department of Commerce will not delay the availability of launch services compared to the availability of launch services conducted by the National Aeronautics and Space Administration.

HOLLINGS (AND BUMPERS) AMENDMENT NO. 226

Mr. HOLLINGS (for himself and Mr. BUMPERS) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 13: restore the matter stricken on line 7 and insert:

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $8,000,000 for disaster loan making activities, derived by transfer from the "Business Loan and Investment Fund": *Provided*, That of the funds made available under the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1987, as included in Public Laws 99-500 and 99-591, for Small Business Development Centers, an amount not to exceed $2,000,000 may be transferred for disaster loan making activities."

CHILES AMENDMENT NO. 227

Mr. CHILES proposed an amendment to the bill H.R. 1827, supra; as follows:

At the end of the bill, add the following new section:

"SEC. . None of the funds made available by this or any other Act for fiscal year 1987 for Health Care Financing Administration Program Management activities shall be used to promulgate or enforce any rule, regulation, instruction, or other policy having the effect of establishing a mandatory holding of Medicare claims processing or payments."

SANFORD AND OTHERS AMENDMENT NO. 228

Mr. SANFORD (for himself, Mr. HELMS, and Mr. BOREN) proposed an amendment to the bill H.R. 1827, supra; as follows:

On page 80, line 19, insert after "claim" the following: "and to make additional payments required by the amendments to such section made by the Farm Disaster Assistance Act of 1987".

HELMS (AND OTHERS) AMENDMENT NO. 229

(Ordered to lie on the table)

Mr. HELMS (for himself, Mr. SYMMS, Mr. WALLOP, Mr. GARN, Mr. HUMPHREY, and Mr. MCCLURE) submitted an amendment intended to be proposed by them to the bill H.R. 1827, supra; as follows:

On page 16, at line 3, insert before the period the following: "of which $5 million shall be available only for continuing the previously authorized retrofitting of stockpiled Minuteman III Inter-Continental Ballistic Missiles (ICBMs) into existing Minuteman II ICBM silos".

● Mr. HELMS. This amendment is intended to assure the continuation of a program that is essential to the defense of the people of the United States. I am talking about retrofitting 100 stockpiled, MIRV'd Minuteman III missiles in existing single-warhead Minuteman II ICBM silos.

I would remind Senators that the present ICBM force structure consists of 450 Minuteman II's deployed, 536 Minuteman III's, and 14 MX's deployed, for a U.S. total of 2,198 ICBM warheads. This compares with a Soviet deployment of 6,500 to 8,000 ICBM warheads.

When we began the deployment of the Minuteman III's, the original intent was to complete deployment at the level of 1,000. By 1975, 550 Minuteman III's had been retrofitted into Minuteman II silos, and it was necessary to stockpile more Minuteman III's for retrofitting. One hundred had been stockpiled before the Carter administration stopped the production of Minuteman III's and broke up the machine tools and production lines in 1978 in anticipation of SALT II.

In 1979, the Soviets invaded Afghanistan, and the Senate Armed Services Committee declared that SALT II was "not in the national security interest of the United States."

The 100 Minuteman III's are still stockpiled. In 1980, Congress in the fiscal year 1981 defense authorization bill authorized the retrofitting the 100 stockpiled missiles into the Minuteman II silos. In 1981, $5 million was appropriated by Congress to begin this retrofitting. A total of only $50 million would have been required for the complete retrofitting of this stockpile. Most of the $50 million, however, was intended to install so-called functionally related observable differences [FROD] required under SALT II to differentiate MIRV'd Minuteman III silos from non-MIRV'd Minuteman II silos under SALT II counting rules. The FROD's involved were for distinctive antennas, which are now no longer necessary now that SALT is dead, and can be eliminated, saving considerable funding.

Mr. President, the retrofitting program moved forward in 1981, and in 1982 the Air Force requested $20 million more out of the total of the $45 million additional funding that was necessary for the whole project. However, the Soviet Union complained to the United States through diplomatic channels that actual United States retrofit of any of these 100 stockpiled Minuteman III MIRV'd ICBM's would place the United States in violation of the unratified SALT II Treaty by 1985. Nevertheless, the administration stood by its request to continue the retrofit. Unfortunately, Congress decided not to fund the program for fiscal year 1983.

Now, however, it is exactly 1 year since, on May 27, 1986, the administration decided to end its unilateral compliance with the unratified SALT II Treaty. That decision was based on 22 separate Soviet violations of SALT II confirmed to the Congress by the President. Therefore the only reason for delaying this retrofit is finally gone.

Mr. President, my amendment does not cost any additional funding under this bill. It merely fences $5 million of Air Force operations and maintenance funds to continue a program previously requested by the Reagan administration and authorized and appropriated by the U.S. Congress.

Upon completion of the retrofitting, the U.S. force deployment will have 200 net additional warheads, for a total of 2,398 U.S. ICBM warheads. This is an extremely modest increment, in the light of the Soviet force structure of 6,500 to 8,000 ICBM warheads. It would cost billions of dollars to start up the Minuteman III production line and build new ICBM's; but for very modest funding we can deploy these 100 stockpiled ICBM's and make sure that they can be used to improve significantly our deterrence of any attack on the American people.

Mr. President, I urge my colleagues to vote in favor of this amendment. There are several reasons.

First, the United States is no longer unilaterally complying with the unratified and expired SALT II Treaty, which the President has confirmed to Congress that the Soviets had previously violated in 22 instances.

Second, this amendment would resume a process of retrofit that would add 100 MIRV'd Minuteman III ICBM's to the American retaliatory force, for the very low cost of only $50 million. This would be the lowest cost strategic deployment by far in the history of American strategic deterrent forces. The cost would be only about $250,000 per additional deployed warhead, compared to about $43 million per deployed MX ICBM warhead, about $10 million per deployed B-1B bomber warhead, and about $8 million per deployed Trident warhead. If the SALT FROD antennas were not added to each silo, then the cost could be considerably less than $50 million and considerably less than $250,000 per additional deployed warhead.

Third, this very cheap retrofit would add a net of 200 U.S. ICBM warheads, increasing U.S. hard target kill capability by about 10 percent, and U.S. ICBM warhead survivability by about 15 percent.

Mr. President, I rest my case. If the U.S. Senate will not vote to continue a previously requested, authorized, and appropriated U.S. strategic deployment program that is extremely cost effective and militarily effective, but that was delayed only because of U.S. unilateral compliance with the unratified, expired, and Soviet violated SALT II Treaty, then unilateral disarmament has truly become the rule in the U.S. Senate. I do not believe the people want the U.S. Senate to embrace United States unilateral disarmament, especially in the face of Presidentially confirmed Soviet break out violations from SALT I, SALT II, and from the ABM Treaty.

Mr. President, this vote is an important signal of our will or lack of will to defend our country. It is crucial that the Senate vote to support this extremely cost effective deployment which will bolster the U.S. strategic deterrent posture.●

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing on the need for a new Consumer Price Index [CPI] which would accurately reflect the inflation rate that the elderly face and the process by which the Department of Labor should develop such an index.

The hearing will take place on Monday, June 29, 1987, at 10 a.m., in room 628 of the Dirksen Senate Office Building in Washington, DC.

For further information, please contact Max Richtman, staff director, at 202-224-5364.

ADDITIONAL STATEMENTS

NATIONAL COUNCIL OF NEGRO WOMEN RECOGNIZES NEW JERSEY LEADERS

● Mr. LAUTENBERG. Mr. President, I am pleased to bring to the attention of my colleagues a very important event that will take place this Saturday in New Jersey. On May 30, 1987, the National Council of Negro Women will present its Mary McLeod Bethune recognition awards to outstanding women and men in business who represent the spirit of achievement and pride exemplified by Mrs. Bethune.

Recognizing a need for black women to speak with a unified voice, in 1935, Mary McLeod Bethune organized a meeting of women representing the many black women's organizations across the country at the 137th Street branch of the YWCA in New York City. At that meeting the idea for the National Council of Negro Women was born. Its goals were then in the words of Mrs. Bethune what they are today: "to sustain our growth, broaden our vision and extend our service."

Mrs. Bethune's leadership in the drive to expand the voice of black women has become a continuing source of inspiration for the National Council of Negro Women. All her life she worked to secure opportunities for black women, men and children: as a pioneer in education, as an organizer, and as an effective spokeswoman for civil rights in the public and private sectors.

Today, following Mrs. Bethune's legacy, the NCNW reaches out to black women of all social and economic levels. The NCNW operates a number of programs to create opportunities for black women. These include job training, educational programs and career development, and child care for disadvantaged women and working mothers.

In 1944, Mrs. Bethune so eloquently spoke for black Americans when she hoped to answer those who cynically asked, "What does the black American want?" Her reply, "He wants only what all other Americans want. He wants opportunity to make real what the Declaration of Independence and the Constitution and the Bill of Rights say, what the four freedoms establish. While he knows these ideals are open to no man completely, he wants only his equal chance to obtain them." As we celebrate the bicentennial of our Constitution, the words of Mrs. Bethune remind us that we still have much work to do to bring these grand ideals into reach for all Americans.

Those individuals who have exemplified Mrs. Bethune's commitment to excellent include New Jerseyans Bertha Griffen, Sue Wilson, Gail A. Davis, Audrey Clark, William Franklin, Rev. William D. Watley, Mary E. Singletary, and Blonnie Wiltshire.

I would like to welcome NCNW President Dorothy I. Height and extend my best wishes to Dr. Annette Kearney, NCNW general chairperson for New Jersey.

Congratulations to those New Jerseyans and others who have earned the Bethune recognition awards. I ask that an excerpt from an article in the Newark Star-Ledger about the awards ceremony be printed in the RECORD.

The article follows:

COALITION WILL HONOR ACHIEVERS

Black men and women in education, business and industry will be saluted May 30 when the National Council of Negro Women Inc. stages the Mary McLeod Bethune Recognition Luncheon in the grand ballroom of the Meadowlands Hilton Hotel, 2 Harmon Plaza, Secaucus.

The luncheon hails the advancement of men and women in the corporate community and gives recognition to all "who exemplify achievement in the Bethune manner" and who "translate into action our underlying concepts of commitment, unity and self-reliance," an NCNW official said.

The program will be attended by NCNW president Dorothy I. Height, as well as representatives of the 11 New Jersey sections of the organization and the New Jersey Life Members Guild.

This year's awards recipients include Bertha Griffen, president of Porterhouse Cleaning and Maintenance Co. of Edison; Sue Wilson, a chemist at Colgate-Palmolive Corp. of Piscataway; Gail A. Davis, community affairs representative at Public Service Electric & Gas Co. and Audrey Clark, district administrator-elementary education, Long Branch Board of Education.

Also honored will be William Franklin, president of the Franklin Planning Group in Asbury Park, and Rev. William D. Watley, pastor of St. James AME Church in Newark.

A special award will go to Mary E. Singletary, director of the division of women in the state Department of Community Affairs and an outstanding service award will be given to Mrs. Blonnie Wiltshire of NCNW's North Shore Area section.●

TRIBUTE TO ESTELLE R. ROBINSON

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to a remarkable member of the New Jersey educational community, Estelle R. Robinson. Ms. Robinson is retiring this year after 18 years of service to Rutgers University, the State University of New Jersey. In recognition of her many contributions to the health and well-being of New Jersey's young people, her many colleagues and friends will be honoring Ms. Robinson on June 5, 1987.

A resident of Trenton, Estelle Robinson is a professor of social work at Rutgers. She is currently the director of the Center for Community Education at the Rutgers School of Social Work. She came to Rutgers in 1968 as a Ford Foundation fellow at the Rutgers Urban Studies Center. She has served as the university's title I project director; chair of the department of community education in the division of continuing education; and assistant to the dean of continuing education for instructional planning.

While at Rutgers, Ms. Robinson has become an authority on human services community planning and "networking." She has developed many programs to help professionals reach out to the problems of today's youth. In response to community need, she developed both the New Jersey Network on Adolescent Pregnancy and the New Jersey Network for Family Life Education. She has also chaired statewide conferences on youth issues such as ethnic differences, juvenile justice, adolescent pregnancy, and youth suicide.

Mr. President, Estelle Robinson's devotion to solving the problems of New Jersey's young people has earned her praise from human services professionals around the State as well as the Rutgers community. Ann Levine, the director of the New Jersey Family Planning Forum said that for Ms. Robinson, "networking is as natural as breathing." Rutgers President Edward Bloustein said she "epitomizes the dedication to the public good, which is one of the central purposes of this State University." I am pleased to be able to honor her many important contributions to New Jersey.●

A CHANCE FOR ARMS CONTROL

● Mr. KERRY. Mr. President, during the past 2 years since the ascent of Mikhail Gorbachev, many significant changes have taken place in the Soviet Union. Some of the most significant changes in terms of United States interests have taken place in the Soviet approach to arms control.

A recent article in the Bulletin of the Atomic Scientists analyzes Gorbachev's moves in the area of arms control and their significance for American policy. The author is Jonathan Dean, the former head of the U.S. delegation to the Mutual and Balanced Force Reduction Talks.

Dean points out that in the past 2 years, Gorbachev "has made over 25 major moves, largely unilateral and unreciprocated, toward the U.S. position on arms control, with the United States making relatively few countermoves." And as he points out, "The record of these 25 or more major Soviet moves in 2 short years is both remarkable and positive. * * * For the first time in the nuclear era, they bring large-scale negotiated reduction of nuclear weapons within reach".

In the area of strategic reductions, the Soviets have made a series of concessions to United States positions. In September 1985, they accepted the earlier U.S. proposal for a 50 percent

reduction of strategic delivery systems. In effect, they agreed to the deep cuts proposed by the Reagan administration, to a limit of 6,000 warheads on each side.

In June 1986, Gorbachev dropped the Soviet insistence on banning submarine-launched cruise missiles with more than a 600-kilometer range, and dropped the Soviet demand that United States nuclear-capable aircraft be included in the count of United States strategic delivery systems.

At Reykjavik, in October 1986, the Soviet made three additional concessions. They agreed to a counting rule by which each aircraft equipped for carrying nuclear bombs and short-range attack missiles would be counted as a single warhead. They agreed to take sea-launched cruise missiles out of the count of U.S. strategic armaments. And they agreed to make substantial cuts in heavy SS-18 missiles.

As Dean points out, "the net effect of these important Soviet moves is United States-Soviet agreement on the main headings of an epoch-making strategic reduction, bringing an agreement in principle—or, with luck, even a completed agreement—within reach during Reagan's remaining term of office.

The Soviets have also made important concessions toward the United States position on space weapons. In June 1986, Gorbachev put aside the Soviet proposal to prohibit all space-strike weapons in favor of a proposal to apply the ABM treaty strictly and not to withdraw from it for a period of 15 to 20 years. At Reykjavik, he cut back this period to 10 years. Two weeks later, the Soviets agreed that the ABM treaty did permit fixed ground-based testing of ABM weapons, including those based on new technology, and sought to set up a working group with the United States at Geneva to determine which high-tech SDI devices could be tested in space under the treaty.

Dean states that "with this suggestion, the Soviet Union finally withdrew from the extreme proposal it had made in 1985 to ban all space-based weapons, and was offering what may be the only possible approach to reaching a practical compromise on SDI. Washington's first reaction was to instruct U.S. negotiator Kampelman not to negotiate on the subject."

On intermediate-range nuclear forces, the Soviets have also moved their position considerably. As a result, this is now the most promising area for an arms control agreement. Gorbachev agreed to a separated INF agreement at the 1985 Geneva summit, then revoked it after Reykjavik, then agreed to it again at the end of February of this year. This is a concession to the U.S. insistence on a separate INF agreement.

The Soviets have also agreed to exclude United States INF missiles in the overall count of strategic missiles and to drop INF aircraft in Europe from the INF talks. They have also agreed to drop British and French nuclear armaments from an INF agreement.

The Soviets have also agreed first to freeze their SS-20's in Asia, and then, at Reykjavik to reduce them to 100 warheads. They have also agreed to a heavily asymmetrical zero-zero reduction, under which they would reduce four Soviet warheads for every one American warhead, for a total of over 1,000 more Soviet than United States reductions in total.

They have also proposed to remove all of their short-range INF missiles from Europe without any corresponding reductions by the United States. And they have agreed to U.S. concepts for verifying an INF accord, including an exchange of data, on-site monitoring of destruction of missiles, and monitoring of production facilities.

In other areas of arms control, the Soviets have also made concessions. They have maintained a moratorium on testing antisatellite weapons, and also maintained a unilateral moratorium on underground nuclear testing from August 1985 to February 1987. During this period, the U.S. conducted 26 nuclear tests. The Soviets also permitted a team of American scientists to set up seismic monitoring devices near the Soviet test sites during the moratorium. In March 1987, the Soviets dropped their insistence on a test moratorium, in favor of lowering the threshold and number of nuclear tests.

In April of this year, Gorbachev proposed that each country carry out a nuclear test at the test site of the other country. Dean states that "This ingenious proposal should meet administration requirements for additional verification before finally ratifying the Threshold Test Ban Treaty signed in 1974."

While the Reagan administration has renounced the SALT II Treaty and exceeded its limits, the Soviets have unilaterally continued to abide by the SALT limits. The Soviets have also agreed to U.S. proposals that destruction of chemical weapons stocks be supervised, and that there be inspection of declared production and storage sites. They have also indicated a willingness to accept the British proposal on demand inspection of undeclared chemical weapons sites.

The Soviets have also made concessions in the area of conventional forces. They offered in the spring of 1986 to negotiate on reduction of NATO and Warsaw Pact conventional forces covering an area from the Atlantic to the Urals, 1,200 miles into Soviet territory. This is a major change in their position. They also made a number of concessions in order to achieve the Stockholm agreement of East-West confidence building measures, which was reached in September 1986.

The significance of all of these Soviet concessions, and others, on arms control issues is that there is now a real chance to reach meaningful arms control agreements with the Soviet Union. This is particularly true with respect to an INF agreement. But it is also possible to make serious progress on reducing long-range missiles, reaching an agreement on SDI testing, and strengthening the ABM treaty, if this administration is willing to bargain seriously in good faith. The recent United States-Soviet agreement on the establishment of risk reduction centers proves that even the Reagan administration can reach agreements with the Soviet.

But time is running out for the Reagan administration on an arms control agreement. President Reagan has only a year and a half left in office, and we are only a few months away from the 1988 Presidential campaign. Unless the President reaches an agreement soon, history will judge him not only by the massive Federal budget deficits he created, but by the opportunities for arms control he squandered.

I ask that an article by Jonathan Dean, entitled "Gorbachev's arms control moves", be printed in the RECORD.

The article follows:

GORBACHEV'S ARMS CONTROL MOVES

(By Jonathan Dean)

In the two years since Mikhail Gorbachev became General Secretary of the Communist Party of the Soviet Union he has made over 25 major moves, largely unilateral and unreciprocated, toward the U.S. position on arms control, with the United States making relatively few countermoves. Of course, Gorbachev's moves stemmed from earlier Soviet positions, many of which were considered by American negotiators to reflect a desire for Soviet advantages. But each original Soviet position had some rational basis and the moves away from them are notable.

These Soviet concessions to the U.S. position (Soviet officials, sensitive to domestic charges of excessive accommodation to the United States and apprehensive lest the "Reagan approach" to negotiation be adopted as standard practice in the West, prefer to call them "moves", "shifts," or "indications of flexibility") are unparalleled in the postwar history of U.S.-Soviet arms control negotiations. They document a compelling Soviet desire to conclude arms control agreements with the Reagan administration and have brought an agreement on reducing intermediate-range missiles, and possibly an agreement in principle on strategic reductions, in range this year. It is probable that, at least in the short term, Moscow will continue its pattern of flexibility. Whether the resulting opportunity is converted into actual accords depends largely on Washington's interest in concluding an agreement with the Soviet Union.

So far, the Reagan administration, divided within itself over arms control, has been

consistent only in its intransigence. In the face of Soviet moratoriums on testing of nuclear warheads and antisatellite weapons, the United States has tested both. It has renounced and exceeded the SALT II ceilings on strategic delivery systems. It seems intent on dismantling the Anti-Ballistic Missile Treaty through the testing in space of ballistic missile defense weapons on the basis of an arbitrary reinterpretation of the treaty.

A Soviet regime of past temper would probably have responded in kind to such actions, bringing anarchic, unregulated competition in weapons of offense and defense. But Gorbachev's moves toward the U.S. position have continued. Later, I shall explore the question of whether a deliberately unyielding Reagan administration strategy has elicited this flow of Soviet concessions or whether they are generated mainly by policy change in the Soviet Union itself. But first, it is necessary to look at the actual record of Soviet arms control moves of the last two years, dividing them into the major areas of reducing strategic nuclear forces; space weapons; reducing intermediate-range nuclear missiles (INF); and a fourth category comprising arms control in Europe, nuclear testing, and control of chemical weapons.

THE RESUMPTION OF NEGOTIATIONS

In the fall of 1983, at a time of unsteady leadership arising from the long illness and death of longtime leader Leonid Brezhnev and his brief succession by Yuri Andropov, himself on the verge of mortal illness, the Soviet Union made a major blunder in arms control. Perhaps expecting that public resistance would block deployment in Europe of intermediate-range U.S. Pershing II and ground-launched cruise missiles, it withdrew from the Geneva talks on reduction of intermediate-range and strategic armaments, and from the long-standing Vienna negotiations on reduction of conventional forces. As deployment of the intermediate-range nuclear missiles proceeded virtually unimpeded, and questions and criticism of the Soviet withdrawal from negotiation on the most important international issue of the age mounted, both within the Soviet Union and from Western Europe, the United States, and the world over, the Soviet leadership realized the extent of its error in leaving the arms control field to a U.S. administration that blandly reiterated its willingness to continue negotiation.

One of the first actions of the new Soviet leader Konstantin Chernenko after he came to power in February 1984 was to state the Soviet Union's desire to return to arms control negotiations if the United States would demonstrate by specific actions its interest in serious negotiation. In his February 1984 speech as candidate for the Supreme Soviet, Chernenko listed examples of U.S. actions that would meet Soviet conditions, among them commitments on non-use of force, no first use of nuclear weapons, an agreement limiting antisatellite weapons, and an agreement to limit military budgets. Restricting the Strategic Defense Initiative (SDI) was one of these items, but Soviet leaders told Maine Republican Senator William Cohen, on his visit to the Soviet Union in March 1984, that a U.S. move on any one of these topics would bring the Soviet Union back to the negotiating table. Clearly, Soviet motivation was to return to negotiations rather than to continue, through absence, to incur heavy penalties against Moscow's claim to a leading role in arms control. This, rather than concern over SDI, was the decisive factor. The specific timing of the Soviet return to the negotiating table was established by President Reagan's reelection; Soviet leaders were waiting out the elections, probably hoping for another outcome.

President Reagan, in a speech in Dublin in June 1984, indicated willingness to undertake a commitment on non-use of force in the context of a satisfactory agreement on confidence-building measures at the recently begun Stockholm Conference on Disarmament in Europe—a commitment later honored in the agreement reached in September 1986. But otherwise, the Reagan administration declined to make unilateral gestures.

It was only in the summer and fall of 1984 that the Soviet Union began to focus its public statements on opposition to SDI. Directly following Reagan's reelection, Foreign Minister Andrei Gromyko signaled readiness to resume negotations. He met with Secretary of State George Shultz in January 1985 at Geneva and the two leaders agreed on conditions under which the Soviets considered it feasible to return to Geneva:

The sides agree that the subject of the negotiations will be a complex of questions concerning space and nuclear arms, both strategic and intermediate range, with all the questions considered and resolved in their interrelationship. The objective of the negotiations will be to work out effective agreements aimed at preventing an arms race in space and terminating it on earth, at limiting and reducing nuclear arms and at strengthening strategic stability.

From the Soviet viewpoint, this communiqué established the linkage between nuclear reductions and ballistic missile defense on which the Soviets have since insisted, intermittently regarding intermediate-range missiles, and consistently regarding strategic missiles. The restructured Geneva negotiations resumed in March 1985, just as Chernenko died. The day after, he was replaced by Mikhail Gorbachev.

STRATEGIC REDUCTIONS

In the first weeks of the resumed Geneva talks, Soviet negotiators, under Viktor Karpov, focused on a procedural effort to assure acceptance by the U.S. negotiating team, led by Max Kampelman, of the linkage between the space weapons component of the talks and the START (Strategic Arms Reduction Talks) and INF components. By mid-June 1985 the Soviets had returned to negotiating on the basis of their 1983 proposal for a 25 percent cut in strategic delivery systems, which would have resulted in a ceiling of 1,800 on strategic missiles and aircraft.

Soviet officials told visiting Congressman Stephen Solarz, Democrat of New York, in July 1985 that the 25 percent reduction would cover warheads as well as delivery systems. This was a shift from the 1983 position and a move toward the Reagan administration's claim that SALT II had been "fatally flawed," in part because of its failure to prevent a huge increase of warheads in both countries, mainly in the form of MIRVs (multiple independently targeted reentry vehicles).

Soviet proposals, however, still did not provide for subceilings on Soviet heavy missiles like the silo-busting SS-18, as the United States wished. Moreover, the proposed ceilings would include both nuclear-capable long-range U.S. bombers and nuclear-capable U.S. forward-based systems in Europe and the Far East, as well as British and French nuclear weapons.

The Soviet definition, familiar from the SALT II talks, would have added together all U.S. and allied nuclear delivery systems capable of reaching Soviet territory and matched them with an equal number of Soviet strategic systems capable of reaching U.S. territory, omitting from the count all shorter-range Soviet systems, including those aimed at Japan and Western Europe. This would have resulted in a large preponderance of Soviet over U.S. strategic delivery systems. In SALT II, the United States had for this reason insisted on "equal aggregates" of the strategic forces of the two countries.

Late in June 1985, agreement was reached to hold a Reagan-Gorbachev summit in mid-November of that year—and the series of Soviet moves on arms control began. In September Gorbachev, in a letter delivered to President Reagan by newly appointed Soviet Foreign Minister Eduard Shevardnadze, accepted the earlier U.S. proposal for a 50 percent reduction of strategic delivery systems—to 1,600 for the United States. He also proposed a warhead ceiling of 6,000, the same overall figures as finally agreed upon in Reykjavik a year later, plus a limit of 3,000 warheads on land-based ICBMs, in return for U.S. agreements to relinquish the SDI program. At last the Soviets had agreed to the deep cuts proposed by the Reagan administration. But, although Moscow was willing to limit its own delivery systems to about 1,200, the Soviet proposal continued to include in its totals for delivery systems and warheads all U.S. systems capable of reaching Soviet territory, including the warheads of intermediate-range missiles, other forward-based systems, and the United States' large stock of aircraft-delivered nuclear bombs and short-range attack missiles.

U.S. reductions on this basis would again have resulted in the Soviets having a far larger number of strategic warheads on intercontinental ballistic missiles (ICBMs) and submarine-launched ballistic missiles (SLBMs) than the United States. Much of the U.S. total would have consisted of less deliverable aircraft bombs and of warheads for shorter-range missiles, plus the British and French systems. The Soviets also proposed a ban on all sea-launched cruise missiles of over 600-kilometer range, a new area of emerging U.S. superiority.

In October 1985 the United States presented its own summit reduction proposal, also a 50 percent cut in delivery systems and a limit of 6,000 warheads. This U.S. limit on strategic warheads covered only those for strategic ICBMs, SLBMs, and air-launched cruise missiles. It did not include aircraft bombs, short-range attack missiles, or warheads for the shorter-range delivery systems counted by the Soviets. The U.S. proposal also called for a drastic reduction in throw-weight—the payload of strategic ballistic missiles.

The get-together summit at Geneva, in which the focus was on Reagan's fireside presentation of his views on the desirability of SDI, produced little specific agreement on any aspect of arms control. With respect to reduction of strategic armaments, the two leaders confirmed that there was common ground on "the principle of fifty pecent reduction in the nuclear arms of the U.S. and the U.S.S.R., appropriately applied." The last phrase reflected continuing disagreement on what should be covered by the 50 percent reduction.

Preparations for a follow-on summit in 1986 were delayed when Foreign Minister Shevardnadze cancelled a scheduled meet-

ing with Secretary Shultz following the "antiterrorist" raid on Libya by U.S. aircraft. But in June 1986 Gorbachev, in an address to the Central Committee of the Soviet Communist Party, dropped the Soviet insistence on banning submarine-launched cruise missiles with more than a 600-kilometer range. And he made an even more important concession: he dropped the long-standing Soviet demand that U.S. nuclear-capable aircraft, including carrier aircraft within flying range of the Soviet Union, be included in the count of U.S. strategic delivery systems. Also in June, Soviet negotiators at Geneva informally presented views on verification of mobile strategic armaments in which, borrowing from Washington's position on verifying INF reductions, they indicated agreement in principle that mobile missiles could be restricted to specified deployment areas, that missiles could be monitored as they left the factory, and that rail-based SS-24s could be provided with visible identifying characteristics.

At the hastily convened October 1986 Reykjavik summit, called at Moscow's initiative, the Soviets made three further important concessions on strategic nuclear reductions:

They agreed to a counting rule for aircraft bombs and short-range attack missiles by which each aircraft equipped for carrying such weapons would be counted as a single warhead. The rule overlooks U.S. superiority of well over 1,000 in this class of weapons.

They agreed to take sea-launched cruise missiles out of the count of U.S. strategic armaments and to treat this issue separately.

They agreed to make "substantial" cuts in heavy SS-18 missiles. Soviet negotiators at Geneva subsequently stated that there would be a 50 percent reduction in Soviet SS-18s.

At Reykjavik, Reagan and Gorbachev endorsed a 50 percent reduction in strategic nuclear weapons to 6,000, including those carried on ICBMs, SLBMs, air-launched cruise missiles, and bomber aircraft; and a limit on these delivery systems at 1,600.

Theoretically at least, the net effect of these important Soviet moves in U.S.-Soviet agreement on the main headings of an epoch-making strategic reduction, bringing an agreement in principle—or, with luck, even a completed agreement—within reach during Reagan's remaining term of office. The Soviets progressively relinquished their efforts to achieve coverage and reductions important to them and agreed to deep cuts, using the U.S. definition of strategic delivery systems and warheads. The remaining unresolved issues on strategic reductions are to reach agreement on subceilings specifying how many delivery systems of each type will be reduced by each country and the composition of the residual force, the throw-weight issue, and verification of a strategic reduction agreement. The U.S. administration has not yet presented specific proposals on verification.

SPACE WEAPONS

From the outset of the resumed Geneva talks, as discussed above, the Soviet leadership placed primary stress on the connection between ballistic missiles and defenses against them. While Soviet leaders have sometimes linked ballistic missile defense with reducing intermediate-range missiles, this particular linkage appears to have been tactical, raised and suppressed at the negotiating convenience of Soviet leaders. But with respect to strategic reductions, Soviet leaders made this link a condition of resuming the Geneva talks. And, from the beginning, Soviet leaders have treated the link between strategic missile defense and strategic offensive arms as indissoluble, although they may show some flexibility about how this principle is reflected in an agreement.

The direct connection made by the Soviet Union between strategic weapons and the weapons designed to destroy them is well founded. The Johnson and Nixon administrations adopted an identical stance in the negotiations that culminated in the ABM Treaty. No country, including the United States, would enter an agreement to reduce its strategic weapons without at the same time insisting on agreed limits on defenses against these weapons. The only alternative to an agreement limiting both types of weapons is costly and dangerous competition in both.

Since the beginning of the resumed Geneva talks the main goal of the Soviet position on space weapons has been the prevention of testing and deployment of space-based ballistic missile defense devices. Gorbachev and his colleagues have given clear evidence of their desire to focus Soviet economic and technological resources on making the Soviet domestic system work better. And it is evident that they see in this aspect of the SDI program the most exacting economic and technological demands on the Geneva system. Clearly, they wish to avoid competition in this area.

At the resumed Geneva talks, Soviet negotiators identified this central concern by concentrating on efforts to gain U.S. agreement to an accord prohibiting testing and development of all "space-strike" weapons, offensive or defensive. Such an agreement would have been more restrictive than the ABM agreement because it would also have banned both antisatellite weapons and space-based testing of ABM subcomponents, neither of which is prohibited by the ABM Treaty. Its acceptance, as Reagan administration officials correctly pointed out, would have meant the end of all aspects of the SDI project except the fixed ground-based defenses on which the Soviet Union itself continues active research.

But, step by step, this Soviet position too has been relinquished. Early in 1985 Soviet space-arms negotiator Yuli Kvitsinsky presented in plenary session a letter from Gorbachev to the Union of Concerned Scientists in which Gorbachev, while reiterating the Soviet proposal to ban all space-strike weapons, also urged a formal reaffirmation and strenthening of the ABM Treaty. But a year later, in his June 1986 address to the Central Committee of the Soviet Communist Party, Gorbachev put aside the proposal to prohibit all space-strike weapons in favor of a proposal to apply the ABM agreement strictly and not to withdraw from it for a period of 15 to 20 years for the purpose of deploying ABM systems.

At the Reykjavik summit, which ultimately broke down over SDI, Gorbachev ill-advisedly and incorrectly claimed that under the ABM Treaty, SDI research would be confined to the "laboratory." Reagan, however, claimed the right, under his reinterpretation of the treaty, to full testing and development of ABM devices in space. But Gorbachev agreed to cut back to 10 years the period in which neither country could withdraw from the treaty, although he also vainly attempted to obtain agreement that, at the end of that period, the two countries would be bound by the treaty as it stands, including the six-month withdrawal clause. On this point U.S. officials argued that, when the 10-year period elapsed, the United States would have the automatic right to deploy an SDI system. The ABM Treaty would, in practice, be abrogated.

Two weeks later, at the otherwise unproductive Shultz-Shevardnadze meetings in Vienna, Soviet representatives explained that the ABM Treaty did after all permit fixed ground-based testing of ABM weapons, including those based on new technology, at the test sites designated for both countries in the treaty. They sought U.S. agreement to establish a special working group at Geneva, charged with establishing which high-tech SDI devices could be tested in space under the established version of the treaty.

With this suggestion, the Soviet Union finally withdrew from the extreme proposal it had made in 1985 to ban all space-based weapons, and was offering what may be the only possible approach to reaching a practical compromise on SDI. Washington's first reaction was to instruct U.S. negotiator Kampelman not to negotiate on the subject. Some change will have to be made in this administration position, or agreement on space weapons and on deep reductions in strategic forces—even if only agreement in principle—will not be achieved in Reagan's term of office.

INTERMEDIATE-RANGE NUCLEAR FORCES

For the United States, the issue of intermediate-range nuclear-tipped missiles in Europe has been mainly political. Washington decided on the deployment mainly to meet apprehensions of its NATO allies about the decreasing credibility of the existing U.S. nuclear deterrent in the face of Soviet achievement of parity with the United States in strategic nuclear arms, and of the rapid deployment from 1977 on the Soviet triple-warhead SS-20 missile. Even after the SS-20 deployment began, Carter administration officials argued that, militarily, already deployed U.S. delivery systems provided adequate coverage of Warsaw Pact targets. For the United States, the ensuing large-scale antinuclear demonstrations in Western Europe once again made the INF issue primarily a political competition with the Soviet Union over the loyalty of NATO and the capacity of NATO governments to make defense decisions.

For the Soviet Union, the issue was not only political but also strategic. In the late 1950's the Soviets had reacted strongly—by threatening to turn access to Berlin over to the East Germans, and ultimately, by deploying their own intermediate-range missiles in Cuba—to the deployment of U.S. intermediate-range Thor and Jupiter missiles in Western Europe. They had also reacted strongly to the multilateral force project for deploying additional sea-based missiles with integrated NATO crews, and to the planned deployment in Europe of U.S. intermediate-range nuclear missiles.

The reason was in each case the same—that the new missiles could strike Soviet territory, permitting the United States to launch a nuclear attack on the Soviet Union while keeping all its strategic armaments in reserve. Although the projected deployment of 572 Pershing II and ground-launched cruise missiles was relatively small, the Soviets saw the accuracy of the Pershing II as constituting the capability for a "decapitating" strike against their command and control installations.

Soviet leaders came only slowly to realize that their own decision to deploy the mobile, solid-fuel SS-20 had resulted in a

qualitative improvement over its obsolescent predecessor SS-4 and SS-5 missiles and thus had caused real concern in Western Europe. Nonetheless, the Soviet negotiators at Geneva were not long in making concessions to the U.S. position on INF.

Although the January 1985 Gromkyo-Shultz communiqué established that the INF issue was to be dealt with as a single package with strategic and space weapons—and this was justified by Soviet views on the strategic significance of U.S. INF missiles—Soviet officials early on informally hinted that a separate INF agreement might be possible. The ups and downs of this issue of a separate agreement are complex: Gorbachev agreed to it at the 1985 Geneva summit, only to revoke it in the aftermath of the breakdown at Reykjavik, and then to revalidate it at the end of February 1987. But it is a concession to U.S. insistence on a separate agreement.

Under Gorbachev, the Soviets also moved further toward the substance of the Reagan administration's position in agreeing to exclude U.S. INF missiles from the overall count of U.S. strategic missiles and in dropping INF aircraft stationed in Europe (where the United States has a qualitative lead)—first from the count of strategic American armaments and then from the INF talks themselves. Furthermore, although at least British nuclear assets are cooperatively aimed at Soviet targets in U.S. strategic nuclear planning, and although both Britain and France are U.S. allies, Gorbachev agreed to drop British and French nuclear armaments from an agreement on INF (as well as from an agreement on strategic reductions), and confirmed this at Reykjavik.

In addition, although the Soviets insisted that the scope of the INF talks be confined to Soviet SS-20 missiles deployed in Europe to the Urals, they agreed, under U.S. pressure, first to freeze their SS-20s in Asia and then, at Reykjavik, to reduce them to 100 warheads. Beyond this, the Soviets moved from proposing that the United States have zero INF in Europe and the Soviets from 150 to 200 warheads, to a heavily asymmetrical zero-zero reduction, under which they would reduce at a ratio of four Soviet warheads to one U.S. warhead. As of December 1986, the United States had 316 warheads deployed in Europe, while the Soviet Union was credited with at least 729 warheads on 243 SS-20 launchers, plus about 100 remaining SS-4s. In Asia, the Soviets are credited with about 510 warheads, to be reduced to 100, against which the United States would have the right to deploy 100 warheads on U.S. territory, for a total of over 1,000 more Soviet than U.S. warhead reductions over all.

Like linkage, another issue on which the Soviet position has switched back and forth to culminate in an important concession has been that of shorter-range missiles. Since 1981, the United States has, at the instigation of European NATO countries, proposed that, to avoid circumvention of an agreement on longer-range INF missiles—Soviet SS-20s and SS-4s, and U.S. Pershing IIs and ground-launched cruise missiles—the initial INF agreement must include collateral constraints on shorter-range missiles in the 300-600-mile range (that is, Soviet SS-23 and SS-12 missiles).

In the INF negotiations from 1981 to 1983, the Soviets accepted the concept that there should be collateral constraints on the short-range missiles. They then rejected these constraints in the resumed Geneva negotiations, but at Reykjavik, they offered a freeze on each side's current level. Then, in late February 1987, they proposed to take up the whole issue in separate negotiations.

Despite these shifts, Gorbachev in February definitively offered to withdraw Soviet SS-12 missiles deployed forward in East Germany and Czechoslovakia. During Shultz's Moscow visit in April of this year, the Soviets informally offered to eliminate SS-23s and SS-12s altogether. If they take this unilateral step, it would be one of Gorbachev's most striking arms control concessions.

And, at Reykjavik, the Soviets agreed in principle to U.S. concepts for verifying an INF accord including an exchange of data, on-site monitoring of destruction of missiles, and monitoring of production facilities. The United States presented an actual text of its INF verification proposals at Geneva for the first time in March 1987, and it is already clear that this detailed proposal, which goes further than the points discussed at Reykjavik or described to the Soviets orally in general terms, will, together with the issue of shortrange missiles, be the make-or-break issue for an INF agreement under the Reagan administration.

OTHER ARMS CONTROL ISSUES

On other issues, the Gorbachev leadership has taken unilateral action to maintain a moratorium on testing Soviet antisatellite weapons in the face of a U.S. ASAT test in September 1985 and related testing activity in 1984 and 1986. Gorbachev maintained a unilateral moratorium on Soviet underground testing of nuclear weapons from August 1985 to February 1987 and permitted a team of U.S. seismologists from the Natural Resources Defense Council to set up seismic devices near the Soviet nuclear testing site—although not, unfortunately, to register the Soviet tests when they were resumed in February 1987. In March 1987, following resumption of Soviet nuclear tests, Soviet negotiators dropped their insistence on a test moratorium in favor of an approach focused on lowering the threshold and number of nuclear tests. In April, Gorbachev proposed to Shultz that each country carry out a nuclear test at the test site of the other. Doing so would permit each to calibrate its verification instruments in the different rock structures of the test sites. This ingenious proposal should meet administration requirements for additional verification before finally ratifying the Threshold Test Ban Treaty signed in 1974.

During the Soviet test moratorium, the United States performed 26 nuclear tests and refused to permit a delegation of Soviet scientists invited to the United States by American members of the Natural Resources Defense Council to erect their seismic devices.

While the Reagan administration renounced—and exceeded—SALT II ceilings, the Soviet Union has thus far unilaterally refrained from increasing the overall level of its strategic delivery systems. Reacting to U.S. criticism of the Krasnoyarsk radar array as a violation of the ABM Treaty, Soviet officials in October 1985 offered at Geneva to suspend construction if the United States would suspend construction of radar arrays at Fylingdales Moor in the United Kingdom and Thule, Greenland, which the Soviets claim are ABM violations. Each country has continued to raise these claims of violations, but the Reagan administration has declined to bargain on the subject, arguing that the Krasnoyarsk array was a clear violation, as most U.S. experts agree, while the U.S. arrays were not—a more debatable proposition.

At the Geneva negotiations of the U.N. Conference on Disarmament, the Soviet Union has moved to agree to U.S. proposals that destruction of chemical weapons stocks be supervised and that there be inspection of declared production and storage sites. Moscow has not accepted the U.S. proposal for demand inspection of undeclared sites or, for that matter, formally accepted the less far-reaching British proposal backed by most European NATO members. Gorbachev, however, indicated informal agreement with that proposal during British Prime Minister Margaret Thatcher's Moscow visit at the end of March. If the Soviet Union does formally agree to the British proposal, a worldwide agreement prohibiting chemical weapons and destroying existing stocks will have moved closer, although the Reagan administration so far has rejected the proposal.

In the spring of 1986, the Soviets offered to negotiate on reduction of NATO and Warsaw Pact conventional forces covering an area from the Atlantic to the Urals beyond Moscow—1,200 kilometers into Soviet territory, the area where the Soviet mobilization base for conflict in Europe is located. This is an important move; in the long-stalled Mutual and Balanced Force Reduction (MBFR) talks in Vienna, the Soviets for over a decade have refused to include any of their home territory in the area of coverage. Under Gorbachev, the Soviet Union also made numerous individual concessions to achieve, in September 1986, the Stockholm agreement on East-West confidence-building measures. For example, Gorbachev acted to drop naval exercises from the scope of the agreement, even though there is a good case for including this activity, worrisome as it is from both the Soviet and general viewpoint. He accepted the NATO proposals for prenotification of military activities in the area from the Atlantic to the Urals and for obligatory observers at larger exercises. He also agreed to the West's requirement for onsite, demand inspection of Soviet territory, the first such specific obligation to be undertaken by the Soviets. The agreement entered into effect in January 1987, with positive compliance by Warsaw Pact states during the first months of implementation.

THE SIGNIFICANCE OF SOVIET CONCESSIONS

The record of these 25 or more major Soviet moves in two short years is both remarkable and positive. As a possible summit this fall approaches, there may be even more of them. The significance of individual concessions can be debated, but cumulatively their intrinsic significance is very large. For the first time in the nuclear era, they bring large-scale negotiated reduction of nuclear weapons within reach, a shift of direction that could have important positive effects both in reducing the possibility of a Soviet disarming first strike on the United States and in bringing considerable improvement in political relations.

These Soviet actions have in part reversed the pattern of postwar U.S.-Soviet arms control negotiations, where Washington took the initiative and Moscow followed with slow, grudging concessions. Today, the direction of initiative has been reversed. The concepts remain for the most part American, but the pace and extent of Soviet concessions have greatly increased.

Two major questions arise from this development: What has caused it? What does it

really mean for the longer-term U.S.-Soviet relationship?

Some Reagan administration supporters claim that the stream of Soviet concessions over the past two years has been the result of deliberate U.S. tactics. This interpretation will surely become more audible if the present administration does conclude some arms control agreements with the Soviets. It is a recognized part of the U.S. political process to raise claims of this kind; as Reagan has reminded us with respect to Iran, in the U.S. system both success and failure are ascribed to the leader whose watch it is.

Such claims would be more convincing if they reflected a deliberate and consistent line of U.S. foreign policy. But the current administration has been negative toward arms control since Richard Perle and Fred Iklé (later to have senior roles in the administration) publish hostile criticisms during Reagan's first election campaign, and since the administration designated three leading opponents of SALT II—Eugene Rostow, Edward Rowny, and Paul Nitze—to be its senior arms control officials.

Quite aside from the fundamentally negative views of most of this group, no one who has closely followed the complete disarray on arms control policy within the Reagan administration can believe that the U.S. arms control position has been the result of a deliberate, conscious strategy or tactic. Witness Reagan's sporadic, short-term attention to the subject matter; the diametric opposition of the State and Defense Departments on nearly every specific issue; and the incapacity of a weak National Security Council staff either to provide leadership to the interagency process or to suggest workable compromises.

True, the administration has been unyielding in negotiation. Its intransigence is documented in its insisting on continued nuclear testing in the face of a Soviet moratorium; in renouncing the SALT II ceilings and exceeding them; in implying that it would withdraw from the ABM Treaty as soon as the state of SDI research justifies this action, as the president suggested last August; and, in the meanwhile, in acting to move toward space-based testing of ABM devices on the basis of a self-serving interpretation of the ABM Treaty that would fundamentally distort the original sense of that agreement.

This intransigence, backed by the continued buildup of U.S. armed forces, probably has had considerable effect on the nature of the concessions advanced by the Soviet leadership. These concessions—for example, those on SDI or on INF—are, after all, designed to meet specific U.S. positions. If President Reagan had not been so immovable on SDI, Gorbachev would probably not have come so far to meet him, both on SDI and on nuclear reductions.

For its part, the United States finally agreed to include bombers in the count of strategic delivery systems of each country and, reluctantly, to seek some agreed limits on sea-launched cruise missiles. It also agreed not to deploy a new SDI-type missile defense system for a total of 10 years—since cut to five—not an important sacrifice since no new system would be available within either period. Washington did stick to its earlier offer to eliminate its INF missiles from Europe, despite strong criticism from some quarters in Europe and the United States, based on the conviction that some U.S. missiles should be left in place. The United States also agreed to confine deployment of its remaining INF missile warheads to the continental United States, where they would have limited military significance, rather than deploying them in Asia, a theoretical possibility.

Yet the weight of these American moves does not begin to approach that of the Soviet concessions. And the administration's lack of unity on positive arms control moves, along with its insistence on negative moves, raises important questions about its capacity to show the singleness of purpose, presidential follow-through, rapidity of decision, and flexibility necessary to achieve an agreement this year. There is a wide gap between generating leverage through an uncooperative position and converting that leverage to actual agreement.

Beyond these factors, there is a larger issue. The disadvantage of intransigence is that it can elicit competive stubbornness. Under a different Soviet leadership, the Reagan lead on SDI and on exceeding SALT II limits might have given rise to an all-out anarchic competition in strategic and space weapons—an outcome not yet excluded. That events have thus far not taken this direction is not because of deliberate administration policy, but because of the nature of the new Soviet leadership, whose selection Washington neither influenced nor forecast. It is the result of Gorbachev's urgent desire to reform the Soviets system; of most Soviet citizens' desire to see a let-up in the arms race; of Gorbachev's own need to expand his base of domestic support through a rapid arms control success, in the difficult internal struggle that all foreign experts agree he confronts. These are the main generating forces behind Gorbachev's arms control moves.

Even so, it would be a mistake to believe that such moves will continue indefinitely. As American experts have pointed out, Gorbachev may lose momentum within the Soviet Union. Indeed, U.S. rigidity on SDI appears to have nearly precluded any completed agreement on reduction of strategic arms, the topic of greatest interest to the American public, during the present administration; indeed, it may preclude even agreement in principle on this subject. And, of course, the Soviet Union has not only resumed nuclear testing; it is also free from SALT II constraints on strategic missiles, in which its potential for rapid buildup is far greater than that of the United States.

What about the significance of Gorbachev's arms control moves for long-term U.S.-Soviet relations? Many skeptical Americans are already worried over the effects of a possible period of improved East-West relations, in which the West relaxes its defenses and the Soviet industrial and technological base increases. These Americans fear later renewal of the East-West military confrontation under conditions more favorable to the Soviets. Indeed, it is not unlikely that these are the terms in which the Gorbachev leadership is explaining its conciliatory arms control policy to its own domestic critics. But judged on the most cold-blooded basis, such prospects are less fearsome than those of the present U.S.-Soviet nuclear arms race and the risk that it will spill over into space.

Americans should be confident about the long-term prospect of economic and technological competition with the Soviet system if agreement can be reached now to reduce the military component of that continuing competition, and to decrease the danger of war inherent in the nuclear confrontation between the two countries.

WASTEFUL SPENDING

● Mr. ARMSTRONG. Mr. President, on May 6 the Senate passed the first budget resolution for fiscal year 1988. It called for a $1,061.4 billion in spending, $927.8 billion in taxes and other revenues and a deficit of $133.6 billion.

The budget plan was a travesty in many respects. We haven't seen so many bookkeeping gimmicks and legislative gimcrackery in the Senate in a long time. To listen to our Democratic friends, the time had come to loosen the belt a notch or two and live a little. The Nation's taxpayers were invited to come along on a year-long spending spree, and to foot the bill for all manner of luxury items we could well do without.

But to listen to the anguished debate on the Senate floor, you would have thought that we had already done all the budget-cutting the Republic could stand. We had cut away all the fat, they said, and all that was left in the Federal budget was muscle. We had to miss the Gramm-Rudman deficit reduction target by a whopping $25.6 billion, they said, because you can't get blood out of a turnip or more savings out of this Federal budget. More cuts would lead only to widespread unemployment, perhaps a calamitous recession, and certainly human misery on a colossal scale.

Well, Mr. President, I am not buying it. More to the point, the average American is not buying it either. It is laughable to say there is no further waste in the Federal budget and it is pathetic to miss the deficit target for the year by $25.6 billion. That is just not close enough, in my opinion, even for Government work. Every American could name a few areas where we could look for more budget savings. Just in recent months, I have been keeping track of some of the more interesting ones that have been written about in the Nation's newspapers. Here are some examples of our tax dollars at "work"; each American should be the judge of whether these are good uses of our increasingly scarce tax dollars.

The National Institutes of Health recently funded a variety of activities that merit a closer look. According to Dr. Marcia Angell, deputy editor of the New England Journal of Medicine, NIH grants have generated "a huge and unwieldy literature that is difficult to evaluate because of its size and the clutter of repetitious and often trivial reports." Here are some of them:

A 2-year Columbia University study of the formation process of Haitian ethnic organizations. Cost: $260,401.

A study of the lessons learned from older persons saving abandoned buildings. First year cost: $14,975.

A study of the food-foraging habits of the Ache people in eastern Paraguay. Cost: $163,254.

A study of late marriage in a village in Spain from 1873 to 1983. Cost: $74,561.

A study of how children cope with the stress of having their tonsils removed. A group of 80 children will be studied before, during, and after the operation to compare different "coping styles." Cost: $85,780.

A $242,508 2-year study to track the development of political attitudes of women who graduated from Bennington College in the 1930's.

In these days of Gramm-Rudman belt-tightening, the State Department is proposing to build 10 new residences for 10 foreign service officers in Canberra, Australia, at a cost of $6.5 million, or an average of $650,000 apiece. That's known as high living down under.

The State Department spends $131,000 a year, or $11,000 a month, for rent on the New York apartment of Ambassador Herbert Okun, the Deputy U.S. Representative to the United Nations. That is on top of the $20,000 the Department pays for Okun's government-provided servant, plus additional funds for entertainment.

The Interior Department has failed to collect about $3 billion in royalties on oil and gas payments produced on Federal and Indian land since 1979, according Congressman SIDNEY R. YATES. This is the conclusion of an 8-member panel of the House Appropriations Subcommittee on the Interior.

A recent report by the Inspector General of the Department of Health and Human Services details how $2 billion was squandered during the first 6 months of the 1986 fiscal year. Here are some highlights:

A Medicare carrier was bilked out of $850,000 from an employee who used her position to mail fraudulent checks to different addresses.

A Texas ophthalmologist was convicted on a 74-count indictment for billing Medicaid for work not performed and passing along inflated costs of goods bought from a fictitious corporation.

Fifteen people in Chicago claimed enrollment in various colleges in order to obtain more than $75,000 in student-aid benefits.

In a nursing home scam in Iowa and Texas, three podiatrists were convicted of submitting phony Medicaid or Medicare bills for services never performed in the amount of $120,000.

In two California cases, a man collected his dead mother's Social Security benefits for 6 years, defrauding the Government of $25,000, while a woman cashed $40,000 of her dead aunt's checks over 10 years.

In New York, $235,000 worth of Social Security checks were cashed by 23 people, even though the intended recipients of the checks had long since died.

A Medicaid scam in Illinois cost the program $20 million as a number of doctors and pharmacists were found to have been prescribing and selling codeine-containing sedatives and cough medicine to drug addicts.

When the Treasury Department's Bureau of Alcohol, Tobacco and Firearms seizes anything, it is required by law to place notices in local newspapers in case someone has a valid claim to the property. When the Bureau seized six rounds of .22-caliber ammunition, they spent $20 in newspaper advertisements in a New Mexico paper telling any person interested in the property to mail a petition into the Bureau and post a bond for $50. All for six bullets!

Meanwhile, back at the State Department, here are some examples of the recent track record of its Foreign Buildings Office, which builds our embassy facilities around the world:

A planned 20-story chancery building in Cairo estimated to cost $27 million and to be finished in January is only one-third completed, although $16 million has been spent.

A 26-unit housing facility for diplomats in Hong Kong has had such extensive leaks that it probably will need completely new exterior walls.

The agency has requested $10 million to buy 40 acres for a construction site in Uganda, even though nobody is sure what the price is based on.

We are building a new embassy, including seven residences, in Georgetown, Guyana—a poor South American country of only 775,000 people—at a cost of $3.2 million.

We are likewise building a new embassy in the Central American country of Belize at an estimated cost of $33 million. The entire GNP of Belize, which has a population of only 158,000, is only $143 million.

A new $25 million embassy in the oil rich monarchy of Oman on the Arabian peninsula.

Planned projects include new embassies in Jamaica costing $53.6 million; in Geneva costing $56.2 million; in Vienna costing $90 million; and $65 million in Panama.

The Smithsonian Institution spent $700,000 on a radio-controlled, life-like model of a prehistoric Pterosaurus. The winged mechanical creature was destroyed in a crash in its first demonstration flight before the public.

According to data released this year by the Office of Personnel Management, premium pay for overtime, holidays, hazardous duty, incentive pay, and Sunday and evening work is costing the Government over $15.3 million every day. The data are based on Government costs for fiscal years 1983 and 1984 and indicate that the Postal Service is the single biggest spender, chalking up $1.9 billion in overtime pay in 1984.

A report issued by the Government Accounting Office in October, 1985 found 102 instances of travel by government officials on riverboats and ocean liners during the 4 years ending September 1984. Investigators said ship travel between this country and foreign assignments cost taxpayers over $556,000, compared with the approximately $160,000 it would have cost if the officials traveled by air.

According to an audit by the Inspector General of the Department of Housing and Urban Development, about 30 percent of long distance telephone calls at the Department headquarters were illegal personal calls.

The Army had a year-long fireworks party in 1985, when it wasted over $750 million in ammunition by budgeting far more than needed and then urging soldiers to use as many of the bullets, explosives and grenades as possible in training, according to auditors. Army units in Europe were allotted from 2 to 6 times more small arms ammunition in 1985 than in 1984, as reported in January, 1986.

The GAO cites these examples of the misuse of funds provided by the Agency for International Development:

March, 1985 audit—only 12 percent of emergency food sent to Somalia reached the needy; 30 percent intended for sale to urban area residents was sold to Government institutions, including Somalia's Armed Forces; and 58 percent was not distributed at all.

September, 1985 audit—U.S. rice sold to Zaire was subject to profiteering by politically connected businessmen. The rice was being resold at markups as high as 400 percent, well beyond the means of the average citizen in Zaire. Also found were instances where U.S. rice was sold on the black market by Government officials.

Spring 1986 audit—flour was sold to Somalia with the proceeds to be used to help a local development project. It was instead intercepted by Somalian Government officials who sold the flour to their friends at about 17 percent of its market price, and the friends in turn resold it for a hefty profit.

The Government spend over $336 million for public relations in fiscal year 1985. According to a study released by the GAO in February of 1986, expenditures for public affairs by the various agencies ranged from $401,000 at the National Labor Relations Board to over $56 million at the Department of Health and Human Services. These figures do not include expenditures on congressional relations, which amounted to an additional $99.6 million for the Government as

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a whole, and enabled Federal agencies to lobby Congress.

A federally financed sewage system is on the drawing board in Franklin County, PA that would cost $12 million. Despite the fact that an adequate alternative system of the type that the EPA is now promoting would cost only $2 million, residents are discovering that "the only thing tougher than getting a slice of the Federal pie is trying to give a piece of it back," as one observer put it. A prime roadblock to changing designs is the fact that the engineering firm which designed the plant and stands to gain an estimated $3 million fee when it is constructed.

About one-third of the trips made by Government cars and drivers assigned to the Environmental Protection Agency executives were to go to lunch and cost $45 a trip on average, according to a report by the agency's inspector general. The report, covering April through August 1984, recommended more use of taxis at a cost of about $5 a trip, but the agency decided not to implement the recommendation.

In 1984, some 16,000 households with incomes of $75,000 or more were recipients of either cash public assistance or supplemental security income [SSI]. And 199,000 households with an annual income of $35,000 or more received such payments.

One of the Federal Government's specialties is studying things. Here is a checklist of studies funded recently by the National Science Foundation: $58,464 to study the social impact of television in rural Brazil $42,832 for an analysis of private banking institutions in London between 1720 and 1800; $18,000 for a study of agriculture and economic development in Russia between 1750 and 1860; $46,500 for a cultural analysis of Ghandian ideology; $49,971 for a study of children's television viewing behavior; $55,000 to study aggressive behavior in Siamese fighting fish; $37,982 to study urban growth, daily life, and biography formation in Stockholm between 1880 and 1910; $74,850 to study the multidimensional functions of nonmarket forms of exchange among Mexican Chicanos in Tucson, AZ; $42,930 to study the dynamics of spatial voting games and games on graphs.

The mandate of the Economic Development Administration [EDA] is to generate new jobs, help protect existing jobs, and stimulate commerical and industrial growth in economically distressed areas of the country. Here are some of the projects in "disadvantaged" areas listed in EDA's annual report for 1986: $4 million for the development of a state-of-the-art fiber optics/medium power cable research and development facility in Lexington County, SC, with unemployment rates averaging only 4.3 percent over the last 24 months; $4.5 million for the rehabilitation and development of commerical facilities at the stockyards in Fort Worth, TX, which had unemployment rates averaging at only 5.6 percent over the prior 24 months; $15 million for Dartmouth College's Thayer School of Engineering in Hanover, NH, with unemployment rates averaging only 3.8 percent over the prior 24 months; $5.7 million for the relocation of railroad tracks in Columbia, SC, with unemployment rates averaging only 5 percent over the prior 24 months; $19 million for the renovation and expansion of Boston University's Science and Engineering Complex in Boston, MA, with unemployment rates that averaged only 5 percent over the prior 24 months.

The National Endowment for the Humanities, Public Broadcasting Service, and the Corporation for Public Broadcasting provided a combined $1.1 million for the production of a film favorably portraying Mu'ammar Qadhafi, the Libyan strongman and terrorist. The film, called "The African," was broadcast by PBS in October 1986. Touting Qadhafi as an idealist who has used his oil wealth not to finance terrorism and subversion, but "for the greater glory of Africa, as well as Islam," the film equates the United States retaliation against Libya with Qadhafi's terrorist activities. The narrator says that "Americans' bombs dropped from the air killed children as surely as terrorist bombs left in an airport."

The Federal Reserve Board has just spent $3,500 to recondition the tennis court at its lavish headquarters in Washington, DC—Rocky Mountain News, Denver, CO, September 10, 1986, p. 46.

The Farmers Home Administration, which has outstanding loans of $12 to $30 billion that congressional economists say may never be paid back, has acknowledged that its lending practices have been sloppy. For example, FHA approved a $3.8 million loan in Maricopa County, AZ, to a business executive who was not a farmer and also approved a $581,000 loan to a person who was serving time in a Federal prison for bank fraud.

The Defense Department is not the only agency that gets taken to the cleaners on Federal contracts. According to the Environmental Protection Agency's Inspector General's report, markups that went as high as several thousand percent over market prices on equipment and 100 percent on labor have been common under EPA's program to meet toxic waste emergencies.

The U.S. Postal Service is giving air mail a bad name. A recent congressional report revealed that the Post Office top brass operate a $1.9 million Cessna Citation II jet that costs the taxpayers $820 every hour it is flown. It was used 21 times just for trips to New York; the round trip cost $1,400 by the private jet, but would have been only $150 on the convenient commercial shuttle that leaves every hour.

The Department of Housing and Urban Development has a program called the urban development action grants [UDAG]. It costs American taxpayers $225 million a year and here are some current examples of what we are getting for our money:

A $1.5 million UDAG went to the Corning Glass Works in Charleroi, PA, to upgrade one of its melting furnaces. Corning took in nearly $1.7 billion last year;

A $15 million grant went to Detroit to help clear a site for a new $540 million Chrysler Corp. plant there. Chrysler earned $21.2 billion last year;

An $8.9 million grant was also awarded to help renovate Detroit's Book Cadillac Hotel. When the project is finished the hotel will have 471 rooms, "class A" office space and 600 parking spaces;

Real estate developers in Philadelphia are being helped by a $10 million grant to build a "festival market mall" that will include a string of shops and boutiques, restaurants, and movies theaters;

A $9.7 million grant was awarded to help construct a seven-story office building in Memphis, TN, that will include a spacious retail mall, department stores, 1,200 parking spaces and a convention center;

A $10.6 million UDAG went to New Haven, CT, for the development of 530 housing units, office and retail space and parking facilities. Officials say only 20 percent of the newly built and remodeled units will be available to low- and moderate-income residents;

In St. Petersburg, FL, a $3.4 million UDAG grant is helping the Harbour View Hotel Corp. renovate a 337-room Hilton Hotel that will have a swimming pool and tennis courts;

A $1.4 million UDAG is helping the Lighthouse Landings Co. put up a 175-room lakefront hotel development, including a 110-seat restaurant, on a three-acre tract in Lorain, OH.

Mr. President, these examples are taken from a fairly casual reading of the popular press over the last 12 months or so. I believe they indicate that we still have a long way to go before we eliminate all the wasteful spending from the Federal budget.●

THE 75TH ANNIVERSARY OF SENATOR HENRY JACKSON'S BIRTH

● Mr. BRADLEY. Mr. President, May 31, 1987, marks the 75th anniversary of the birth of Senator Henry M. Jackson of Washington. I call upon my colleagues to join me in paying tribute to a man whose outstanding public service career has left an important mark on history.

Senator Jackson was a man of integrity, a true statesman who showed wisdom and skill throughout his 43 years as an elected official. He was at the forefront of efforts to create a sound national energy policy and to protect America's wilderness areas. He was an articulate spokesman on the need for a strong national defense and an effective foreign policy. He was thoroughly committed to the cause of human rights, and he was a true champion of the homeless and oppressed.

With the death of Senator Jackson in 1983, at the age of 71, America lost a powerful political leader, whose leadership, dedication, compassion, and unbending pride in the principles of democracy has made our country a better place to live.

The Washington State Legislature has designated May 31 as "Scoop Jackson Day," and the Henry M. Jackson Foundation has planned a day of events in Seattle to celebrate Senator Jackson's 75th birthday. As one who had the special privilege of working with Senator Jackson, I join the citizens of Washington State on this very special occasion in honoring a great American.●

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

● Mr. D'AMATO. Mr. President, law-abiding citizens in this country are concerned about the pervasiveness of crime in our society. We worry for our own safety. Our immediate response is, and should be, to turn to the criminal justice system for protection. But with roughly 250 million Americans to be protected against crime, there simply are not enough law-enforcement officials to be everywhere at once.

People often react by buying a stronger door lock, a better burglar alarm, or even a gun. They end up isolating themselves in their homes, afraid to walk the block for fear of becoming a victim.

But bigger locks won't stop crime. We all must work together to ensure the safety of our streets, to send a clear message to would-be criminals that their crimes will not go unnoticed.

This message is carried by citizens who have gathered together to take responsibility for themselves, their neighbors, and their communities. Because of their justifiable concern for their own and their neighbor's safety, they offer their eyes and ears as extra help for local law-enforcement officials.

These eyes and ears belong to members of neighborhood crime watch organizations working in communities across the country. For example, civilian patrols equipped with noisemakers and sometimes two-way radios walk or drive through neighborhood streets at all hours of the day or night. They report anything suspicious to the police and alert neighbors and passers-by.

Other groups include tenant patrols which also help prevent crime. The New York City Housing Authority has more than 13,000 volunteers patrolling in 700 of its buildings. And in Battle Creek, MI, police train senior citizens, housewives, and others as silent observers who have reported crimes and received awards for valuable information since 1970.

All it takes is a small group of individuals, each sharing an appreciation and concern for the community in which they live, each deciding to help tip the scales in favor of safer communities.

Neighborhood watch organizations deserve our recognition. On behalf of these dedicated individuals, as well as for those they protect, I urge my colleagues to join me in lending support to Senate Joint Resolution 121, designating August 11, 1987, as "National Neighborhood Crime Watch Day."●

SENATOR PHIL HART

Mr. RIEGLE. Mr. President, on May 20, 1987, we dedicated the Hart Office Building in memory of Senator Phil Hart who was my predecessor here in the Senate. The decision to honor him with this dedication reflects our deep yearning and aspiration that we somehow infuse this building and the work that goes on here with some special measure of grace and goodness.

In his own special self-effacing way Phil Hart embodied the finest qualities that we hope to find in citizen government. His integrity, decency and commitment to justice were a great moral force within the Senate. No matter how turbulent the legislative storms that raged in the Senate, he was always a calming, civilized and clarifying force. His quiet passion became a force of reason and leadership of remarkable strength. His decency and goodness helped the Senate find a way to a higher level of reason and conduct.

He profoundly loved his family and often ached about the relentless demands of the job and the necessary time away from family. He always advised the younger members to take time to be with their families.

There is on Mackinaw Island in Northern Michigan a small cemetery in a grove of pine trees where Phil Hart was laid to rest. It is a place of quiet beauty, where the clamorous sounds of modern life are far removed. That setting and this one express so well the two sides of this wonderful man. We are fortunate that he walked among us.

The following article in the Washington Post provides an excellent account of the dedication ceremony on May 20. I ask that it be printed in the RECORD.

The article follows:

A GOOD MAN'S IMMORTALITY

(By Mary McGrory)

The other two Senate office buildings are named for men of conspicuous consequence. When Richard Brevard Russell deposed on military matters, his word was law. Everett McKinley Dirksen was an orator—and operator—on the grand scale. Philip Hart of Michigan was a good man, and the wonder is that Washington knew it and put his name on a great marble pile.

Much has been written about the disparity between the structure and the senator. The Hart Office Building is as grandiose and pretentious as millions in cost overruns could make it. Hart was a quizzical, questing, gentle soul, forever on guard against self-righteousness and self-importance.

His son, Walter, speaking at last Wednesday's dedication, quoted one of Hart's most characteristic statements: "One thing you learn in politics is the need to avoid absolutism, especially the notion that your own conclusions must be correct or whatever you finally decide is what God would do if He were here." Walter Hart told about his father's famous question to George C. Wallace: "Do you think Heaven will be segregated?" At recollecting this typical metaphysical approach, the speaker broke down, and the audience with him.

Hart is dead for 10 years, but his name summons unanimity about smiling decency, conscience and honor. His causes were civil rights and antitrust reform. He understood, as Sen. Edward M. Kennedy (D-Mass.), the chief speaker at the dedication, said, "that there is no limit to what you can accomplish in this city, if you are willing to give someone else the credit."

For reporters, who covered him in his 18 years in the Senate, Hart was a phenomenon. He admitted he was wrong—not in off-the-record dinner party murmurings or from the privileged sanctuary of memoirs long after the fact, but at the time, and in public.

He served on the Church Committee, which uncovered the grave abuses of the CIA and the FBI during the Vietnam war. His wife, Janey, a vigorous critic of the war, reports that he came home one night and said, "Well, Janey, your wildest raving were the truth."

At a memorable hearing on FBI harassment of dissenters, Hart said emotionally that he had thought his children were paranoid in their suspicions and charges. He apologized to them on the spot, before the world.

"He was the best spokesman the voiceless and the voteless ever had in this country," said Sen. Daniel K. Inouye (D-Hawaii), an unexpected speaker at the tearful occasion.

Inouye, a man of much ceremony, volunteered to appear when he found that the two Democratic leaders of the Senate, Robert C. Byrd (D-W.VA.) and Alan Cranston (D-Calif.), could not make it. They were embroiled in a nasty floor fight on the defense bill. The Republicans were filibustering against the measure that would arm the Republic because the Democrats had added disarmament amendments that they feel will hamper the president's peace efforts.

Inouye met Hart in another life. They were both patients at the Percy Jones Vet-

erans hospital in Battle Creek, Mich. Hart, an infantry captain who was wounded on D-Day, was ambulatory. According to Inouye, "You would have thought he was a ward boy. He did errands for the others. He bought cigarettes at the PX. He never flaunted his wounds or his decorations. I thought at the time he might go home and manage a grocery store. The next thing I knew he was a senator."

Another fellow patient, Senate Minority Leader Robert J. Dole (R-Kan.), could not be there. He was off in Florida furthering his presidential ambitions. Over a telephone connection, which took some time to arrange, he spoke of Hart's kindnesses, organizing trips to baseball games, helping with the chores—and of their comradeship in the Senate, despite poles-apart political beliefs.

Ann Hart, oldest of the senator's eight children, is now a concert singer. She sang "America the Beautiful," and brought more tears. Kennedy was overcome when he said, "He was like a brother to me." During Hart's long, slow painful death of cancer, he was at home, tended around the clock by his family. Kennedy came at any hour of the day or night when Janey Hart called him.

Hart was told about being the first living senator to have a building named after him one day in October 1976, just after he learned he was dying. He was working on the last mile of laboriously fought antitrust legislation, when he got an urgent summons to the Rules Committee room in the Capitol. Complaining, he went, and found 99 colleagues gathered there to tell him of his imminent immortality. He was greatly pleased.

If tourists and visitors in time to come ask who he was, anyone who knew Phil Hart can answer: He was a good man, and everyone knew it.●

TRIBUTE TO GARFIELD ELEMENTARY SCHOOL

● Mr. McCAIN. Mr. President, at a White House ceremony on May 20, 1987, Secretary of Education William Bennett praised the academic achievements of the bilingual education program at Garfield Elementary School in Phoenix, AZ. One of twenty-one schools in the Nation to be singled out in the Department of Education's handbook, "Schools That Work: Educating Disadvantaged Children," Garfield Elementary School is proof that given the proper motivation and educational opportunity many students, regardless of their economic background, can achieve excellence.

Working under the premise that the opportunity to acquire English language skills is the deserved right of every student, the administrators at Garfield have devised and implemented several innovative programs to address the needs of those who are limited English proficient. Noteworthy, are those programs that utilize the use of computers in developing vocabulary and writing skills, and the success Garfield has enjoyed in encouraging parental and community involvement in their student's educational experience. But despite these accomplishments the school officials at Garfield are not resting upon their laurels. Garfield's staff is continually working to improve and enhance the learning experience of their students.

A review of the Garfield program confirms that disadvantaged students learn best when they are offered clear standards of behavior, a rich and challenging curriculum, and vigorous teaching. And it is quite apparent that parents, communities, and local and State governments can help to instill values, supervise progress and supplement school resources.

It is safe to predict that the subject of bilingual education will remain controversial into the foreseeable future. But as the debate continues on which methodology should be implemented in a given situation, let us not lose sight of what we are attempting to accomplish. Our objective is to teach limited English proficient children English, our language of commerce. A solid grasp of the English language is vital to succeed in today's society, and it is incumbent upon all of us to ensure that we provide every child the opportunity to acquire the tools needed to attain their aspirations. This we owe to our Nation's children, but perhaps more importantly, this is what they deserve. And, Mr. President, this is what is being accomplished at Garfield Elementary School.

HELP STUDENTS LEARN ENGLISH—GARFIELD ELEMENTARY SCHOOL, PHOENIX, ARIZONA

Located in a declining inner-city neighborhood in Phoenix. Garfield Elementary enrolls 800 students, 99 percent of whom are from low-income families. The majority of the students are Hispanic, with 40 percent of the student body receiving bilingual instruction.

Camerino Lopez, principal of Garfield Elementary for the last 5 years, believes that "Education is founded on respect for knowledge, and respect is always a two-way street." That is why Garfield's bilingual programs respect the value of a student's original language and culture, while emphasizing the need for the students to become proficient in English.

To ensure that all Garfield students have an opportunity to increase their abilities, Garfield includes the following programs:

Kindergarten students receive the majority of instruction in their native language, with a gradual introduction of English. All students study English as a Second Language (ESL) each day.

Bilingual kindergartners attend an English writing-to-read program, which uses an IBM computer with a digitized voice to help children learn to write, using the words that they know.

In the transitional bilingual lab, all students in second through sixth grades receive intensive English instruction for 55 minutes each day for 10 weeks. Instruction cover 10 weeks, 80 percent of the students master the program and are able to use an English reader at the appropriate grade level.

An intramural sports program was established to encourage social interaction between bilingual and other students.

Many of Garfield's special activities reflect the culture of its bilingual students. For example, Las Posadas Christmas Pageant is a great success with the entire community.

An English class was started for parents of bilingual students. In addition to learning English, parents learn the importance of having their children master English quickly.

Parent and community participation is high. For example, the parent-teacher organization purchased 18 computers for individual classrooms to assist children in their English oral development. Many Phoenix businesses have partnerships with the school.

Results: Bilingual students are able to leave Garfield proficient in English. Garfield's attendance rate of 96 percent is the highest in the district. The February 1987 achievement scores reflect the effort of the school and students: sixth graders scored at grade level—at the 61st percentile in reading, 53rd percentile in math, and 46th percentile in grammar.

TWO ANNIVERSARIES FOR RABBI LEO JUNG

● Mr. MOYNIHAN. Mr. President, on Monday evening, June 8, 1987, the Jewish Center in New York City will be celebrating the double anniversary of Rabbi Leo Jung's 95th birthday and his 65 years of service to their congregation. The Jewish Center is one of New York City's leading synagogues but Rabbi Jung's remarkable record of accomplishment should be celebrated by all Americans who cherish spiritual leadership.

Rabbi Leo Jung has served American Jewry and our Nation for over three-quarters of a century. Rabbi Jung was born in Moravia and raised in London. At the age of 18, he headed the Sinai League, the youth movement of London's Federation of Synagogues under the leadership of his father, Chief Rabbi Meir Zvi Jung, and edited its literary journal, "The Sinaist." In 1920 he accepted the position of rabbi of the Knesseth Israel Congregation in Cleveland, OH, and since 1922 has served with great distinction as the rabbi, senior rabbi, and rabbi emeritus of the Jewish Center. Rabbi Jung received rabbinic ordination from the Berlin Hildesheimer Seminary, a M.A. from Cambridge University, a Ph.D. from London University, a D.H.L. from New York University and an honorary doctor of divinity degree from Yeshiva University. He has been a prolific writer, publishing 35 volumes—32 in English and 3 in Hebrew—with 2 more presently in press. In addition, he has authored hundreds of articles on matters of Jewish life and lore, many of which have been translated into other languages. He is the editor of the Jewish Library and was the only American rabbi to participate in the historic Soncino translation of the Talmud into English. Rabbi Jung also lectured on Jewish ethics at Yeshiva University for 45 years.

Even more impressive than his literary output is his tireless and influential communal activity. The following represents only a small number of his

achievements in this area: In 1925, Louis Marshall invited him to join the Joint Distribution Committee of which he became national chairman in 1941 and subsequently served in that capacity for 40 years; in 1935 he persuaded the Governor of New York State to establish the first State advisory board for kosher law enforcement, the chairman of which he remained for 30 years; from 1928-36 he was president of the Rabbinical Council of the Union of Orthodox Jewish Congregations of America; in the 1930's he established the first school for mohalim—ritual circumcizers—in New York under the auspices of Mount Sinai Hospital. Rabbi Jung has played leadership roles in the New York Family Organization and the Jewish Board of Reconciliation. During the Second World War, Rabbi Jung served as a leader of the Jewish Welfare Board, was honored by a congressional medal for his travels to the Far East to promote the spiritual welfare of American soldiers in the Army and Navy. After the war he was instrumental in helping thousands of Hitler's victims to settle in America and begin a new life. In more than seven decades of active communal activity, Rabbi Jung has raised many millions of dollars and has been personally responsible for supporting countless institutions in America, Israel, and across the world.

Throughout his long and distinguished career, Rabbi Jung has been honored on numerous occasions for his many achievements and an entire settlement in Israel bears his name. Some of the more recent honors include: A 50,000 tree forest planted in Israel under the auspices of the Rabbinical Council of America in 1982; Shaarei Zedek Hospital in Jerusalem, which he chaired for 50 years, established a professorship in medical ethics in his name in 1982 and he was honored with a Statue of Liberty Medal by Mayor Edward Koch of New York City last year.

I am confident that Members of the Senate join me in saluting Rabbi Leo Jung on this latest milestone and wishing him a very happy 95th birthday and many more years of productive and fruitful service to his beloved synagogues, our Nation and world Jewry.●

CLARENCEVILLE SCHOOL DISTRICT SESQUICENTENNIAL

● Mr. RIEGLE. Mr. President, I rise to salute Michigan's Clarenceville School District as it celebrates its 50th anniversary June 25-28, 1987. Coincidentally, Clarenceville is sharing its sesquicentennial this year with the State of Michigan.

The Clarenceville community, originally the Indian village of Pojomoka, was organized as the Fractional School District No. 5 on January 26, 1837. At that time their sole facility was a small one-room schoolhouse of the type that figures so prominently in the popular stories and folklore of America's past. In the 1850's the original building was replaced by a log structure with backless benches for the students and pieces of smooth lumber painted black serving as blackboards. Even back then night classes were held for anyone who wished to attend and was willing to bring their own school candle.

Today, the Clarenceville School District bears little resemblance to that one-room schoolhouse. With a staff of more than 100 teachers and more than 200 nonteaching employees, the district now serves its 2,000 students from two elementary school buildings, one junior high, and one senior high. Geographically, the district takes in parts of the cities of Farmington Hills and Livonia, as well as part of Redford Township.

What has not changed since those early days is Clarenceville's commitment to the highest educational standards. Always striving to expand and improve the educational opportunities for students from kindergarten through adult, Clarenceville also ensures the continuing effectiveness of its existing programs by means of comprehensive evaluation procedures.

New this school year is the Academic Letter Program—clear evidence of Clarenceville's commitment to excellence. Students who earn an accumulated grade point average of 3.0 or above in math, English, social studies, and science will receive an academic letter similar to the athletic letters awarded for outstanding achievement in sports programs.

Even before they start kindergarten, Clarenceville students get off to a good start through a program that assists parents in preparing their preschoolers for a successful school career. On the other end of the age spectrum, Clarenceville's adult education program continues to grow and expand, with more adults than ever taking advantage of the opportunities the district offers. Almost 600 adults attended classes through the program last fall, in both the academic—high school completion—and the leisure time programs. Opportunities offered by Clarenceville include career counseling, vocational training, English-as-a-second language classes, and senior citizen services.

Many of the Clarenceville's former students will be returning to join in the sesquicentennial celebration which includes a parade, dinner-dance, golf tournament, athletic events, and many more activities.

Please join me in congratulating the Clarenceville School District's Board of Education, its administration, staff, and students, its returning alumni, and the entire Clarenceville community for its very successful 150 years and to offer our best wishes for the future.●

ORDERS FOR THURSDAY

ORDER FOR ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, the call of the calendar be waived and no resolutions or motions over under the rule come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDUCTION OF TIME FOR LEADERS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, the time of the two leaders be reduced to 5 minutes each.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, morning business not extend beyond 9:30 a.m. and that Senators may speak therein for not to exceed 1 minute each.

The PRESIDING OFFICER. Without objection it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, the Senate will come in at 9:15 tomorrow morning.

The time of the two leaders will be reduced to 5 minutes each, a total of 10 minutes.

Following the two leaders, there will be a brief period for morning business, not to exceed beyond 9:30 a.m. Senators will be permitted to speak during that period for not to exceed 1 minute each.

At 9:30 a.m., the Senate will begin 30 minutes of debate on the Harkin motion to table the DeConcini motion to reconsider the vote by which the committee amendment dealing with illegal alien employer sanctions—vote No. 124—was adopted. That will be a rollcall vote.

The rollcall has already been ordered. Am I not correct?

The PRESIDING OFFICER. The rollcall has been ordered.

Mr. BYRD. I thank the Chair.

Upon the disposition of the question, Mr. President, the Senate will proceed to take up an amendment by Messrs. DOLE and GRASSLEY.

Upon the disposition of the Dole-Grassley amendment, the Senate will proceed to take up the amendment by Mr. CRANSTON. These are all by orders previously entered.

So there will be rollcall votes tomorrow. I urge both cloakrooms, respectively, to call Senators to remind them that there will be a rollcall vote beginning at 10 o'clock tomorrow morning. I hope that Senators will not wait until 10 o'clock tomorrow morning to leave home for the vote. This very often occurs, and we have to drag out the first vote of the day because Senators get a late start leaving home.

So I urge that we try to save the time of the Senate and try to accommodate the convenience of our colleagues as well. The vote will begin at 10 o'clock a.m. There will be several rollcall votes tomorrow.

I hope the Senate will be able to complete action on the supplemental appropriation bill tomorrow. If it does not, it will resume consideration of the bill on Friday. I do not intend to stay in late tomorrow evening. If we finish this bill at all, it will have to be finished by 5 o'clock or thereabouts tomorrow. We will be back in on Friday. Whether or not we finish this bill tomorrow, there will be votes on Friday.

Mr. President, I want to be sure that I am not misunderstood.

The amendment by Mr. DOLE and Mr. GRASSLEY will come up tomorrow after the disposition of the committee amendment, whatever that entails—one or more votes.

The PRESIDING OFFICER. The Chair understands the majority leader.

Mr. BYRD. I thank the Chair.

I thank all Senators.

Mr. PELL. Mr. President, I do not intend to raise my point of order. I want to clear the deck of that item.

I do reserve my position to offer an amendment, perhaps an amendment in the form of a substitute, tomorrow.

The PRESIDING OFFICER. The Senator will have the right to offer an amendment.

Mr. BYRD. Mr. President, if the distinguished acting Republican leader does not have any further statement or business that he wishes to transact, the Senate will go over until tomorrow.

Mr. KARNES. I have no further business.

Mr. BYRD. Mr. President, I thank the Senator.

ADJOURNMENT TO 9:15 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 9:15 a.m. tomorrow.

The motion was agreed to; and at 7:10 p.m., the Senate adjourned until tomorrow, Thursday, May 28, 1987, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate May 26, 1987, under authority of the order of the Senate of February 3, 1987:

DEPARTMENT OF STATE

Willard Ames DePree, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Leonard Grant Shurtleff, of New Hampshire, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of the Congo.